

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

UNITED STATES OF AMERICA,) )  
Plaintiff, ) )

vs. ) )

CRIMINAL CASE NO. RDB-19-0568

MARCUS WILLIAMS, ) )  
Defendant. ) )

Wednesday, December 7, 2022  
Courtroom 5D  
Baltimore, Maryland

SENTENCING HEARING

BEFORE: THE HONORABLE RICHARD D. BENNETT, Judge

For the Plaintiff:

PETER J. MARTINEZ, ESQUIRE  
Assistant United States Attorney  
36 South Charles Street  
Baltimore, MD 21021

For the Defendant:

GERALD RUTER, ESQUIRE  
9411 Philadelphia Rd, # N  
Rosedale, MD 21237

Also Present:

FRANCISCO REGO,  
MANISHA GARNER, U.S. PROBATION & PAROLE

(Computer-aided transcription of stenotype notes)

## P R O C E E D I N G

2:35 p.m.

THE COURT: Good afternoon, everyone. Sorry to keep you waiting. We have judges' meetings at one o'clock on Wednesdays, and as you know, it carried over a little bit, and I apologize to everyone.

Those in the far back may be seated.

This is calling the case of United States versus Marcus Williams, criminal number RDB-19-0568.

The Defendant was one of ten defendants indicted in this case, all of them pled guilty and he is now the ninth of ten defendants to be sentenced here.

The standing orders of this Court have provided that masks were to be worn in all public areas of the courthouse, with the exception of the discretion of the presiding judge where masks may not need to be worn in the courtroom. That policy has now been changed. The wearing of masks is now optional for all persons in all other public areas of the courthouse. And in the case of in the courtroom itself, masks may be pulled down by people who have speaking roles or if they've been fully vaccinated.

So, essentially, those who have been vaccinated and fully boosted can pull their mask down in the back, but they can keep their mask up if they prefer to as well. Here, in the courtroom, I will inquire of the vaccination status of counsel

1 and the parties here.

2 So with that, if counsel will identify themselves for  
3 the record, please.

4 MR. MARTINEZ: Good afternoon. Peter Martinez for the  
5 Government, and I have been fully vaccinated.

6 THE COURT: Yes. Nice to see you again. Saw you this  
7 morning.

8 MR. MARTINEZ: And we have Special Agent Francisco  
9 Rego of the FBI.

10 THE COURT: Agent Rego, nice to see you.

11 SPECIAL AGENT REGO: Nice to see you, Your Honor.

12 THE COURT: And you've been fully vaccinated as well?

13 SPECIAL AGENT REGO: Yes, Your Honor.

14 THE COURT: So you may pull your mask down. Let me  
15 just make a note here.

16 And on behalf of the defendant?

17 MR. RUTER: Gerald Ruter, Your Honor, on behalf of  
18 Mr. Williams, he stands to my right.

19 THE COURT: You've been fully vaccinated?

20 MR. RUTER: Yes, sir, I have.

21 THE COURT: Nice to see you. And you're acting as  
22 court-appointed counsel, correct?

23 MR. RUTER: I am.

24 THE COURT: Thank you for your service to the court in  
25 that regard.

1 And good afternoon to you, Mr. Williams.

2 THE DEFENDANT: Good afternoon, Your Honor.

3 THE COURT: Sir, have you been fully vaccinated?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And again, you can pull your mask down  
6 while speaking. You don't have to but you're certainly free to  
7 do so.

8 And we have with us U.S. Probation Officer Manisha  
9 Garner. Nice to see you. You've been fully vaccinated,  
10 correct?

11 PROBATION OFFICER GARNER: I have, Your Honor.

12 THE COURT: So again, if you need to speak you can  
13 pull your mask down, but you do not need to pull your mask down,  
14 it's your choice.

15 Let me just go over the posture of this case. This  
16 case was transferred to me from Judge Blake, and I'm very  
17 familiar with it, and then handled several of the defendants in  
18 this case. And we'll be discussing letters, which I have  
19 received here from not only the defendant's father Duane Chase,  
20 but his fiancée Alexis Spell, his cousins Michael and Manuel  
21 Williams, friends Philip Taylor and Carletta Johnson.

22 Are some of those people here in court today,  
23 Mr. Ruter?

24 MR. RUTER: I think they are, Your Honor, yes.

25 THE COURT: That's fine. Welcome to all of you.

1 To the extent there are any other individuals that  
2 would like to speak, they're certainly free to do so at the time  
3 of allocution. The Government would have no objection, would  
4 you, Mr. Martinez?

5 MR. MARTINEZ: No, Your Honor.

6 THE COURT: So with that, let me just go over the  
7 posture here of this case, Mr. Williams. You pled guilty before  
8 Judge Blake on August the 2nd of this year to Counts 1 and 2 of  
9 the indictment. They're the only counts in which you were  
10 charged, and essentially pled guilty to conspiracy to  
11 participate in racketeering enterprises, 18 -- in violation of  
12 18 United States Code § 1962(d), as well as narcotics,  
13 conspiracy as to the distribution of heroin and crack cocaine in  
14 violation of 21 United States Code § 641.

15 I believe it is correct, is it not, Mr. Martinez they  
16 were the only counts he was charged with in the indictment?

17 MR. MARTINEZ: That's right, Your Honor.

18 THE COURT: All right. Again, you're the ninth  
19 defendant of ten to be sentenced. Your codefendant, Mr. Hall,  
20 was actually sentenced this morning.

21 So as we proceed, I note that there has clearly been a  
22 notice to victims in this matter and there's the victim impact  
23 statement that's been filed, and we will be dealing with that in  
24 a few minutes in terms of making that part of the record.

25 You all may be seated on the government side.

1 MR. MARTINEZ: By way of respect to victims, I just  
2 want note, as was true this morning, Albert Pitman's mother is  
3 again --

4 THE COURT: We have Mr. Pitman's mother is here as  
5 well as Mr. Brown's mother, correct?

6 MR. MARTINEZ: Mr. Brown's mother was not here. She  
7 was this morning, but Ms. Pitman has stayed for this afternoon.

8 THE COURT: And if they would like to address the  
9 Court, they're certainly welcome to do so, just let me know.

10 MR. MARTINEZ: Understood.

11 THE COURT: And welcome to all of you.

12 As well, again, here today --

13 Mr. Williams, you pled guilty on August the 2nd  
14 pursuant to a specific rule of the Federal Rules of Criminal  
15 Procedure, Rule 11(c)(1)(c), which provides that a criminal  
16 defendant may agree upon a specific sentence or a range of  
17 sentence.

18 And here, the agreement as to the range of sentence is  
19 exactly what the federal sentencing guideline range would be  
20 that we'll be discussing in a moment. Specifically, 78 to 97  
21 months, which comes out to, essentially, six-and-a-half years to  
22 eight years, essentially. That general range.

23 Judge Blake accepted your guilty plea on that date  
24 with the understanding that if you were -- if the Court were  
25 inclined to sentence you one day more than 97 months

1 incarceration you could withdraw your plea of guilty. Do you  
2 understand that, sir?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: By the same token, if the Court was  
5 inclined to sentence you to less than 78 months in prison, less  
6 than six-and-a-half years in prison, the Government could  
7 withdraw from the plea agreement. Do you understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: And then, I have reviewed this case, and  
10 am very familiar with it with the other defendants whom I then  
11 sentenced, and that is an appropriate range here. And there  
12 won't be any surprises, your sentence will be within that range.

13 I would also note there's no dispute that you've been  
14 in federal custody on those charges since October 7, 2020, which  
15 means that you will get credit for all time served in federal  
16 custody since that date.

17 Any dispute about that from the point of view from the  
18 Government, Mr. Martinez?

19 MR. MARTINEZ: No, Your Honor.

20 THE COURT: So you essentially get all time dating  
21 back to October 7, 2020, which essentially is some two years,  
22 one month, and maybe another month-and-a-half, that all -- that  
23 time goes back so your sentence will start from that date. Do  
24 you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And I think that with that, we are ready  
2 then to proceed here.

3 I want to verify that you had an opportunity to review  
4 the presentence investigation report prepared by Ms. Garner in  
5 this case. Have you had occasion to review this with Mr. Ruter?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And approximately how many times have you  
8 discussed it with him?

9 THE DEFENDANT: About four or five times.

10 THE COURT: All right. And are you satisfied that  
11 you've had a sufficient amount of time to go over it with him?

12 THE DEFENDANT: Yes.

13 THE COURT: And there are -- there are no corrections  
14 or objections by the Government, is that correct, Mr. Martinez?

15 MR. MARTINEZ: No, sir --

16 THE COURT: All right.

17 MR. MARTINEZ: -- no corrections by the government.

18 THE COURT: And again, also, as to the defense,  
19 Mr. Ruter, there were no corrections or objections by the  
20 defense; is that correct?

21 MR. RUTER: That's right, Your Honor.

22 THE COURT: So the guideline calculation will be a  
23 total offense level 28 and a criminalistic category of I, which  
24 we'll deal with in a few minutes, which is a range of 78 to 97  
25 months, which was exactly the agreed range that was submitted



1 before Judge Blake.

2 And Paragraph 18 of the plea agreement, which was  
3 introduced as Government Exhibit 1 at the time of your guilty  
4 plea, Paragraph 18 provided that there's a waiver of appeal by  
5 both you and the Government of a sentence within that range.

6 Correct from the point of view from the Government,  
7 Mr. Martinez?

8 MR. MARTINEZ: It is, Your Honor.

9 THE COURT: Correct from the defense point of view?

10 MR. RUTER: Yes, sir.

11 THE COURT: And Paragraph 9 actually outlined the  
12 agreed range. In some of the cases there has been a preliminary  
13 matter of forfeiture. In this matter, there was some reference  
14 to potentiality of forfeiture in the plea agreement in  
15 paragraphs 11 to 15. Is there any forfeiture issue in this  
16 case, Mr. Martinez?

17 MR. MARTINEZ: Your Honor, there's no contraband to be  
18 forfeited.

19 THE COURT: Forfeiture is not a factor here.

20 Let me go over the process here in federal court with  
21 respect to sentencing, Mr. Williams. This analysis is  
22 undertaken in every case. And in the case of a rule 11(c)(1)(c)  
23 plea, the analysis is conducted earlier in terms of the  
24 appropriate range of sentence.

25 There are two key opinions of the United States

1 Supreme Court, that in the last almost 18 years now, that  
2 outline the process for sentencing in federal court. And this  
3 is true of federal courts, not state courts.

4 In January of 2005, almost 18 years ago, the United  
5 States Supreme Court issued its opinion in the *United States*  
6 *versus Booker*, in which the Supreme Court of the United States  
7 upheld the constitutionality of the federal sentencing  
8 guidelines, which were referenced in your plea agreement letter  
9 and are referenced here, in the sentencing -- I mean the  
10 presentence report prepared by Ms. Garner. But the Supreme  
11 Court of the United States upheld the constitutionality of the  
12 Federal Sentencing Guidelines with the deletion of two  
13 particular sections of the guidelines which had previously  
14 rendered the guidelines mandatory.

15 The Supreme Court specifically noted that with the  
16 deletion of those two sections, the balance of the Federal  
17 Sentencing Guidelines was constitutional, and any mandatory  
18 provisions were stricken, but the balance of the sentence  
19 reformat was constitutional, which meant that, as of January of  
20 2005, the Federal Sentencing Guidelines were rendered  
21 effectively advisory and were to be applied in an advisory  
22 context. Specifically meaning, that under the approach adopted  
23 by the Supreme Court of the United States, federal judges, while  
24 not bound to apply the guidelines, must still consult them and  
25 take them into account when imposing a sentence, subject to

1 review by Courts of Appeals for unreasonableness.

2 Here, there is a waiver of appeal, and absent by going  
3 outside that range, both sides have waived any appeal. And  
4 under the approach adopted by the Supreme Court there are other  
5 factors to be considered by me as well. They include your  
6 personal history and characteristics, the nature and  
7 circumstances of these crimes in connection with your  
8 involvement with the Crips gang. The sentences imposed upon  
9 previously similarly situated individuals, so I'm going to be  
10 analyzing sentences imposed upon some of your codefendants here  
11 already by me in terms of the appropriate sentence to be imposed  
12 here. All those factors are considered by me.

13 I said there were two key opinions of the United  
14 States Supreme Court in the last almost 18 years. And the  
15 second of those opinions, the case of Gall versus United States,  
16 this started about three years after the Booker case in December  
17 of 2007. The Supreme Court specifically noted that federal  
18 judges should not presume that the guideline is reasonable, but  
19 it is a starting point in a multistep process.

20 Pursuant to its first, there's a calculation of the  
21 guideline range to which there's no dispute here, and then  
22 there's the consideration of other factors apart from the  
23 guidelines, the goal being to impose a sentence which is  
24 sufficient, but not greater than necessary to achieve the goals  
25 of sentencing.

1           So that will be the factor here. We're going to  
2 calculate the guideline range first, and then I'm going to hear  
3 allocution from Government counsel, from your counsel, and I'm  
4 going to give you an opportunity to address the Court if you so  
5 desire. We'll hear from witnesses called by the Government with  
6 respect to the victim impact statements here. I will go over  
7 the letters that have been written on your behalf and I'll give  
8 anyone an opportunity who is here on your behalf to speak here  
9 at the podium, so that will be the posture here today.

10           Now, the review of the presentence report reflects in  
11 paragraphs 74 that you take medication for high blood pressure;  
12 is that correct?

13           THE DEFENDANT: Yes, sir.

14           THE COURT: And did you take that medication today?

15           THE DEFENDANT: No, sir.

16           THE COURT: All right. When's the last time you took  
17 it?

18           THE DEFENDANT: Yesterday.

19           THE COURT: Yesterday. The fact that you did not take  
20 it today, is that having any negative affect upon you here  
21 today?

22           THE DEFENDANT: No, sir, not at all.

23           THE COURT: Is there any other medication you normally  
24 take?

25           THE DEFENDANT: No, sir.

1 THE COURT: And Mr. Ruter, are you satisfied that your  
2 client is competent to proceed with sentencing here today?

3 MR. RUTER: Yes, I am.

4 THE COURT: Now, the other thing I want to go over  
5 with you, Mr. Williams, are the procedures required by the  
6 Protect Act of 2003, which is a law that was passed some 19  
7 years ago. And one of the provisions of the Protect Act are  
8 that federal courts, when imposing sentences in federal criminal  
9 cases, you know, are required to submit certain documents to the  
10 U.S. Sentencing Commission in Washington. Now, this applied to  
11 federal courts, not state courts, and it's true of all federal  
12 courts throughout the United States. And specifically, that act  
13 requires the chief judge of every federal court in the United  
14 States ensure that within 30 days of imposition of sentence that  
15 certain documents go over to the U.S. Sentencing Commission in  
16 Washington. Those documents include the judgment and commitment  
17 order, which I'll be preparing immediately after these  
18 proceedings with the assistance of Mr. Gurevich, the deputy  
19 clerk of court here.

20 The statement of risks and benefits for the sentence  
21 imposed. A copy of a plea agreement in the case, the  
22 indictment, the presentence report, and then the other  
23 information the Sentencing Commission finds appropriate, all of  
24 that information goes over to the U.S. Sentencing Commission in  
25 Washington.

1 And in 2003, the chief judge of this court issued an  
2 administrative overhead directing Mrs. Garner's office to  
3 forward these documents to the U.S. Sentencing Commission in  
4 Washington. That means, Mr. Williams, that some of these  
5 documents may be subject to review by other public officials  
6 over in Washington or perhaps even by the members of public and,  
7 for a long period of time, it had been the policy of this court  
8 that there's a section marked defendant characteristics which is  
9 now part C of the presentence report, which contains  
10 confidential family information. It contains the names of, for  
11 example, your four children, and the names of four mothers of  
12 those four children all of that kind of information is in that  
13 confidential section. And pursuant to an administrative order  
14 that dates back to 2004, that section of the presentence  
15 investigation report containing confidential information is  
16 hereby sealed. I have looked at it. Another judge of this  
17 court can look at it, but no one else is permitted to do so  
18 absent further order of this court. Members of the U.S.  
19 Sentencing Commission over in Washington can see it, but the  
20 President of the United States could not look at it when it goes  
21 over there in the next 30 days unless I approve it. Do you  
22 understand that?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And in your case, part C begins in  
25 paragraph 60 on page 12 of the presentence report and goes over

1 to paragraph 8 on page 16. That portion is sealed.

2 Page 88.

3 To all other extent requirements of Protect Act are  
4 mandated to be complied about.

5 Now, they said the first step here is a calculation of  
6 the guideline range to which there is no dispute; it is  
7 consistent, and it is anticipates in the plea agreement letter  
8 of June 16, which was introduced as government exhibit 1 when  
9 you pled guilty on August the 2nd. And essentially the  
10 guideline calculation is base offense level of 26, with respect  
11 to the drug quantity and the drug conspiracy, two level upward  
12 adjustment because of possession of a firearm in connection with  
13 this offense. A two level upward adjustment because of any  
14 kind, of credible use of violent that was used that comes to  
15 adjustment level of 30 and you're getting a two-level down level  
16 adjustment because of your level of 28.

17 You have very little criminal history of any kind  
18 pages 10 to 12 reflect that you have essentially two trespass  
19 offenses and a weapons charge dating back to 2010 and 2014: You  
20 have the lower criminalistic category of one, the lowest being  
21 one, the highest being six. And so with a total offense level  
22 of 28 and a criminalistic category of one, the guideline range  
23 is 78 to 97 months and that's exactly what is provided by the  
24 11(c)(1)(c) plea, in terms of where that guideline you should be  
25 sentenced. And there is no dispute as to that calculation.

1           So with that, you may be seated for a few minutes, and  
2 I'll first call upon the government and Mr. Martinez to speak on  
3 behalf of the government and I have read the victim impact  
4 statement of Anthony Owens and Mr. Martinez, I would propose to  
5 make that part of the record here. Any objection from the point  
6 of view of the Government?

7           MR. MARTINEZ: No. No. We encourage the Court to do  
8 that.

9           THE COURT: Mr. Ruter, any objection from your point  
10 of view?

11          MR. RUTER: No, sir.

12          THE COURT: Mr. Gurevich, there is a victim impact  
13 statement of Mr. Owens, who, in fact, was shot in the foot and  
14 ankle and has a permanent injury and a disability that would  
15 become Court exhibit -- actually this would become Government  
16 Exhibit 1 for purposes of today's sentencing. And make a note  
17 of that.

18           And with that, and then also read the transcripts.  
19 Your sentencing memorandum of paper number 367 that was filed on  
20 December the 1st of last week Mr. Martinez, also contained grand  
21 jury transcripts of two witnesses. Those being grand jury  
22 testimony they were sealed, and they remained sealed and will  
23 remain as sealed and indeed that includes the names of those  
24 grand jury witnesses and those documents have been made  
25 available to the defense. The defense have seen them, but those



1 documents remain under seal as well as to two individuals and  
2 their testimony before the grand jury. Par parcel so with that,  
3 I'll be glad to hear from Mr. Martinez with respect to where I  
4 know that I read your sentencing him memorandum and with respect  
5 to the Government's position on the sentence to be imposed here  
6 within the agreed range of 78 to 97 months.

7 MR. MARTINEZ: Thank you, Your Honor. As you're aware  
8 from our sentencing memo, our position is that the Court ought  
9 to sentence Mr. Williams to the high-end of the agreed upon  
10 range in this case, or the nine months of imprisonment that's  
11 slightly more than eight years.

12 I will touch on the reasons why I'm going to start  
13 with the guidelines calculations and some of what goes into it.  
14 I want to address the 3353(a) factors and then finally I'll  
15 address, as we have for other defendants, the relative  
16 culpability analysis.

17 THE COURT: Yes. Given the agreed range here, the  
18 four codefendants, as to who I'm going to be addressing some  
19 focus here today all of whom were sentenced in October by me of  
20 this year. Donell Foster received a sentence of 87 months.  
21 David Jackson received a sentence of 87 months, Alvin Johnson  
22 received a sentence of 84 months and Keith Pinson received a  
23 sentence of 97 months.

24 So I'll be interested to hear whatever you want to  
25 hear -- how you believe Mr. Williams fits into that range.

1 MR. MARTINEZ: Sure, Your Honor. I'm also going to  
2 address Mr. Hickman when we come to that point.

3 THE COURT: That's fine.

4 MR. MARTINEZ: Starting with the guidelines, Your  
5 Honor. As Your Honor knows, in racketeering cases we calculate  
6 the guidelines, in most cases, by referring to the guidelines  
7 that apply to the underlying racketeering conduct. And in this  
8 case, pursuant to Mr. Williams guilty plea, we began with drug  
9 guidelines. We started with the quantity of narcotics that was  
10 attributable to the racketeering conspiracy. So we started with  
11 the guideline level of 26 and we varied it upward or adjusted  
12 upward because the gun was possessed or adjusted upward. Again,  
13 because there were credible threats to use violence.

14 I mention that Mr. Williams was able to plead guilty  
15 in this case and agreed to guidelines that start and that are  
16 driven primarily by drugs as a result of emphasizing how  
17 reasonable the agreed upon range is in this case. Because, if  
18 Your Honor reads the factual stipulation to Mr. Williams' plea,  
19 and when Your Honor considers the overall atmosphere of this  
20 case and the conduct that you've learned about through the  
21 sentencing of other defendants, I trust the court will agree  
22 that that is far more than a drug case. This is --

23 THE COURT: Yep.

24 MR. MARTINEZ: -- a gang case that has is fraught with  
25 violence.

1 THE COURT: I would even know. It's in the record, I  
2 was surprised this morning by the sentencing that he really has  
3 no drug issue at all.

4 MR. MARTINEZ: Correct.

5 THE COURT: I mean, this is not just drug driven, this  
6 is turf battle in Baltimore City. I'm not saying drugs aren't  
7 involved in it, they clearly are, and Count 2 involves a  
8 conspiracy of narcotics, but there's so much more than drugs  
9 involved here.

10 MR. MARTINEZ: That's right, Your Honor. The reason I  
11 start with that point is because often, in this courtroom and  
12 others throughout the courthouse, where we have a defendant who  
13 has entered a guilty plea in a drug case, they come before --  
14 and when you're dealing with the defendant with a relatively low  
15 criminal history score, they come before the court and say, I  
16 should be sentenced to the low-end of guidelines, or I should  
17 get a violent.

18 Mr. Williams cannot cloak himself in that argument  
19 here, given the facts that he's admitted to in his guilty plea,  
20 and I want to talk to some of those with reference to the 3553  
21 factors now.

22 By now, I'm sure the court understands and appreciates  
23 the factors that drove the violence that the eight tray gangster  
24 Crips engaged in between 2016 and 2020 when the dime in this  
25 case was returned. And you see a lot of those factors in

1 Mr. Williams' plea agreement. You see that throughout 2016  
2 really, the 8-Tray Gangster Crips were embroiled in a violent  
3 and bloody dispute with a group of Black guerilla family members  
4 from the Lexington neighborhood in Baltimore City.

5 We know, Your Honor, from other proceedings in this  
6 case and indeed from Mr. Hall's sentencing this morning, that  
7 members of gang were responsible for murders and shootings that  
8 were carried out as a result of that beef.

9 THE COURT: Well, two of those victims are here in the  
10 courtroom. One was here earlier.

11 MR. MARTINEZ: Ms. Pitman's son was killed on July 18  
12 of 2016 as a result of that. Shyheim Brown was murdered in  
13 November of 2016 as a result of that, in an incident in which  
14 two other victims were shot.

15 And in June of 2016, two additional victims, David  
16 Greenwood and Anthony Owens and Mr. Owens submitted a victim  
17 impact statement, were shot in a basketball court near the  
18 Lexington Terrace Housing Project.

19 I mention all of that violence because not only was  
20 that foreseeable to Mr. Williams, he was involved in the gang's  
21 discussion of planning that violence and how it was carried out.

22 THE COURT: Did he not, in fact, commit the murders  
23 though?

24 MR. MARTINEZ: He did not commit the murders, Your  
25 Honor, but I did want to talk about the shooting in just a

1 moment.

2 Mr. Hall has accepted responsibility for murdering  
3 Mr. Pittman and for murdering Mr. Brown. But we know from  
4 witnesses and other sources in this case, that the beef began  
5 from one of the BGF members robbed a member of the Crips or an  
6 associate of the Crips who was selling drugs in that  
7 neighborhood, and that touched off this back and forth cycle of  
8 violence.

9 And we can see from Mr. Williams plea agreement, that  
10 by the spring of 2016, by late May, Mr. Williams, Mr. Hickman,  
11 Mr. Hall, and others are talking about how to target this BGF  
12 group that included Albert Pitman, Shyheim Brown, David Johnson  
13 and others. And Mr. Williams has admitted in his plea that in  
14 May of 2016, he's on a text chain or an Instagram chain rather,  
15 with Trayvon Hall, the leader of the gang, where Mr. Hall says  
16 if you want to be a Tray, that is if you want to be a member of  
17 the 8-Tray Gangster Crips --

18 THE COURT: Tray is reference to the Crips gang.

19 MR. MARTINEZ: And J means jomaa, which is Swahili for  
20 family, and on the street and that means BFG. You got to bash a  
21 J, that's how we rockin' now. And Hall then asks the groups, I  
22 need a pictures of the BGF targets. And Mr. Williams and Mr.  
23 Hickman responded by sending targets of Albert Pitman, Shyheim  
24 Brown and another victim in this case, David Johnson.

25 The very next -- the very same day in another

1 exchange, Mr. Hall is getting impatient, see his underlings are  
2 seeing the targets on the street and no shots are being fired.  
3 And he basically says: "How you keep seeing them, but no shots  
4 fired?" And Mr. Hickman, Mr. Williams' brother says: "I can't  
5 fire shots with no strap on me." And Mr. Williams pipes in:  
6 "It's going to get done. I don't want to waste bullets."

7 In the same way, during this same time period,  
8 Mr. Williams is on messages with Trayvon Hall where they're  
9 talking about this plan to target Shyheim Brown and his fellow  
10 BGF members by approaching the basketball court in Lexington  
11 Terrace Housing Project from the rear. And Mr. Williams himself  
12 in this exchange says: "There is a way to attack that  
13 basketball court from behind. I know because I've done it  
14 before."

15 All of that matter, Your Honor, because about a month  
16 after this exchange, on June 23rd of 2016, David Greenwood and  
17 Anthony Owens are shot while playing basketball at that very  
18 basketball court.

19 THE COURT: Mr. Owens is the person who wrote the  
20 letter to me that's now Government Exhibit 1, the victim impact  
21 statement.

22 MR. MARTINEZ: Correct, Your Honor.

23 And based on the messages we just went through, the  
24 Court can find beyond a reasonable doubt, in fact, Mr. Williams  
25 has stipulated that he was in the thick of planning that attack.

1 As you know from our seasoning memo, that's not the  
2 end of the analysis. Had there been a trial in this matter,  
3 and, in fact, had Mitchell not died of a drug overdose in July,  
4 there would have been witness testimony that Mr. Williams and  
5 Mr. Hickman were the ones where they were the shooters in the  
6 incident at the basketball court on June 23rd of 2016.

7 Obviously, Ms. Mitchell isn't here today, Mr. Ruter  
8 can't cross-examine her. We're aware that goes to the weight of  
9 her testimony, but we also can't ignore it. And we, not for the  
10 record, as we did in our sentencing memo, that Ms. Mitchell had  
11 prior convictions for assault and for theft, but she was the  
12 girlfriend of one of Mr. Williams' codefendants, Allen Johnson,  
13 and because of that, got a window into this gang and its  
14 activities and its violence that other members of public and  
15 laws enforcement did not. And her testimony is probative, and  
16 we ask the Court to consider it.

17 All of that goes to show, Your Honor, that the  
18 violence between the ETG Crips and the Black Guerilla Family in  
19 2016 was foreseeable to Mr. Williams and indeed, I think the  
20 Court can find, by a preponderance, that he was responsible as  
21 the principle for the shooting of Mr. Owens and Mr. Greenwood in  
22 2016.

23 We then have, fast forwarding three years, another  
24 incident that resulted in a nonfatal shooting in 2019. And to  
25 set the stage for this one, the Court by now knows that there

1 was the BGF beef in 2016, and then later in the chronology we  
2 have a beef between the Crips and this Abbington Avenue  
3 organization that really explained about the murder of a Crip,  
4 Morris Finney, at a gas station at the corner of Baltimore and  
5 Hilton in July of 2017.

6 And following that murder, there's retaliatory  
7 violence in the Baltimore-Hilton neighborhood. And the Crips  
8 were constantly targeting members of the Abbington Avenue  
9 organization for violence. And Mr. Hall admitted this morning  
10 that in retaliation for Maurice Finney's murder, he went to  
11 Abbington Avenue and shot up the block and killed one victim and  
12 wounded another in July of 2018.

13 A few months after that, the Crips were continuing to  
14 go over members of Abbington organization. And in April of  
15 2019, they targeted one of the Weavers. And the Weavers matter  
16 because Cortez Weaver, as this Court knows because it sentenced  
17 Cortez Weaver, is the one who killed Morris Finney.

18 So on April 13th of 2019, the Crips targets Martin A.  
19 Weaver, a cousin of Cortez Weaver, and he was shot nonfatal in  
20 the unit block of Abbington Avenue.

21 Mr. Williams has admitted in his plea agreement that  
22 that occurred. That a newly recruited member of the gang drove  
23 members of the Crips to the unit block of Abbington Avenue where  
24 Mr. Weaver was shot with a 45 caliber firearm. And he's  
25 admitted, that following the shooting, he sent the leader of the



1 gang, Trayvon Hall, about the nonfatal shooting.

2 So clearly, that incident was also foreseeable to him  
3 for purposes of RICO culpability analysis. But again, the  
4 evidence doesn't stop there. The newly recruited Crip member  
5 who is referenced in the plea agreement, who drove members of  
6 the gang to commit the shooting, was also a grand jury witness.  
7 And he would have testified that Mr. Williams was among the  
8 group that went from a park in south Baltimore in the Curtis Bay  
9 neighborhood. There was a gang meeting. They drove to  
10 Abbingtion Avenue, they did the shooting. Many of them went back  
11 to the park afterwards.

12 And had that witness been called -- and to be clear,  
13 he also had his own baggage, and he was sentenced for, I think,  
14 a pretty horrific child sex offense in Baltimore County. But he  
15 was at the center of this event. He would have testified that  
16 Mr. Williams was involved.

17 I go into all of that detail regarding this violence,  
18 Your Honor, to give the Court some idea of why we think a  
19 sentence at the high-end of what are already generous guidelines  
20 is appropriate here. And I think that's a segue into relevant  
21 culpability, and I will take about some of the other defendants  
22 in the case.

23 Your Honor started by mentioning Mr. Foster and  
24 Mr. Jackson and Mr. Johnson. And I will put all of them to the  
25 side of Mr. Williams for purpose of today's sentencing.

1 THE COURT: All right. I'm looking at Foster, Darnell  
2 Foster, David Jackson, each of whom received 87 months  
3 incarceration, and then I had Alvin Johnson who received 84  
4 months and Keith Pinson who received the 87 months.

5 So you can go whatever order you would like. I do  
6 note, as to the essentially, the defendant in this matter has a  
7 total offense level of 28 and a criminalistic category of I. I  
8 note that Mr. David Jackson who received 87 months, he has a  
9 total offense level of 25, criminalistic category of III, and  
10 had a range of 70 to 87 months, and I gave him 87 months at the  
11 top end of his range.

12 Foster -- and these are all individuals whom I  
13 sentenced. I think Judge Blake only sentenced one of this  
14 group. She took all the guilty pleas, but the cases were  
15 assigned to me prior to sentencing.

16 And then I see that Mr. Foster has a total offense  
17 level of 26, criminalistic category of III, and had the same 78  
18 to 97 months, and there I gave him 87 months. And then Alvin  
19 Johnson sentenced by me also back in October. Total offense  
20 level of 28, criminalistic category of III. I don't know if  
21 it's a typo or not, it says a range of 78 to 97 months, but that  
22 doesn't quite make sense to me. That might be an error in terms  
23 of offense level.

24 And then lastly, Pinson, who received 97 months, which  
25 would be at the high-end of the agreed range here, and he had

1 the identical -- total offense level of 28, criminalistic  
2 category of I, and there's obviously a mandatory minimum as to  
3 Count 2 of five years. So Mr. Pinson has the exact same total  
4 offense, and his sentence was, in fact, 97 months.

5 MR. MARTINEZ: Right. All right. Well, I'll go in  
6 the order the Court and start with Jackson.

7 THE COURT: That's fine.

8 MR. MARTINEZ: Jackson, and I think there was  
9 agreement between the parties at Jackson's sentencing, that his  
10 primary involvement with the ETG Crips and his primary role in  
11 the gang was that he was the, for lack of a better term, the  
12 plug. He was the heroin supplier. He was the drug guy in the  
13 gang.

14 And if the Court recalls, there was an open plea in  
15 the Jackson case. There wasn't an agreement. So he --

16 THE COURT: He's definitely had an addiction problem;  
17 is that correct?

18 MR. MARTINEZ: I don't recall whether he had an  
19 addiction problem. I do recall that he was deeply involved in  
20 supplying the gang with drugs.

21 THE COURT: Right. The heroin supplier.

22 MR. MARTINEZ: Correct. And what's also relevant is  
23 that he was before the Court on an open plea, and so there was  
24 no factual stipulation. He hadn't admitted to the wide universe  
25 of conduct and conversations relating to violence that we just

1 went through in the context of Mr. Williams.

2 And so when the Court sentenced Mr. Jackson, it didn't  
3 have the same rich body of information that it has here, that  
4 Mr. Jackson was involved in planning things like the shooting of  
5 David Greenwood and Anthony Owens or the shooting of Mark A.  
6 Weaver. And that evidence places Mr. Williams in a whole other  
7 category in terms of his involvement. And so that's why David  
8 Jackson is not a good comparison.

9 For the same reasons, or many of same reasons, I also  
10 submit that Donald Foster is not a good comparison point.  
11 Mr. Foster admitted to possessing guns, he admitted to being  
12 involved in intimidating a witness who had testified in a murder  
13 trial against a member of the Crips. Those are really the  
14 things that drove the culpability analysis at his sentencing.  
15 But again, where Mr. Foster is concerned, the court was not  
16 confronted with evidence of his involvement in the Greenwood and  
17 Owens shooting in 2016 or the shooting of Martin A. Weaver in  
18 2019.

19 The same is true of Mr. Johnson. The primary basis  
20 for his sentencing was discussions where he was copied on text  
21 message or Instagram chats with Trayvon Hall, and he was talking  
22 about supplying Hall with guns.

23 THE COURT: But not involved in murders.

24 MR. MARTINEZ: Right. There was no evidence that  
25 Alvin Johnson pulled the trigger or was involved in planning

1 acts of violence to -- in the same depth as Mr. Williams was.

2 That brings us to a couple defendants that I think are  
3 better -- well --

4 THE COURT: Was Keith Pinson involved in the actual  
5 murders?

6 MR. MARTINEZ: So Mr. Pinson got 97 months on the same  
7 guidelines, with the same criminal history score. Mr. Pinson  
8 was part of the team that went to go shoot Martin A. Weaver in  
9 April of 2019. And I think the evidence at trial would have  
10 been that he drove one of the cars. There were three cars that  
11 went, and the newly recruited member drove one car that had the  
12 shooters in it, and Mr. Pinson drove another vehicle. And after  
13 the shooting Mr. Pinson drove his vehicle like, right in front  
14 of the car with the shooters so that the license plate couldn't  
15 be picked up by LPR, license plate readers on the road. No  
16 evidence that Mr. Pinson was a trigger-puller, but he was part  
17 of the team that went and committed this shooting.

18 There was no evidence, however, that he also  
19 participated in a second shooting, and this is where, I think,  
20 Mr. Williams is more culpability. Obviously, he's got the same  
21 sealing in terms of the range that was negotiated here, but what  
22 I would say to the Court is that, if anything, Mr. Williams is  
23 more dangerous and more culpable than Keith Pinson. Because in  
24 addition to participating in April 2019 plot to shoot Martin A.  
25 Weaver, he was also involved in the Greenwood-Owens shooting in

1 2016.

2 That brings us to Mr. Williams' brother, Mr. Hickman,  
3 who got a sentence of 120 months in October, I believe. And he  
4 was involved in basically the same way in the shooting of  
5 Greenwood and Owens as Mr. Williams was. And candidly, Your  
6 Honor, I don't see any daylight in their conduct. The  
7 difference is in the way the pleas were negotiated.  
8 Mr. Hickman's lawyer negotiated a plea that left it open to us  
9 to argue for guidelines that were driven by violence.  
10 Mr. Ruter, to his credit, got a better deal for Mr. Williams and  
11 negotiated a deal that starts with drug guidelines. And the  
12 guidelines weren't left open for us to argue in the same ways we  
13 did for Mr. Hickman.

14 But I can tell the Court, as I stand here, in terms of  
15 conduct at least with respect to that June --

16 THE COURT: Mr. Hickman received 120 months, ten years  
17 in prison.

18 MR. MARTINEZ: Correct, Your Honor. And so in that  
19 sense, Mr. Williams getting 97 months, the top of his stipulated  
20 range here, it would be a great boom to him, thanks to what  
21 Mr. Ruter negotiated in this case.

22 That, I think, is the relative culpability analysis.  
23 That is why a sentence at the high-end of the range of 97 months  
24 makes sense from the Government's point of view.

25 THE COURT: Thank you very much, Mr. Martinez. Thank

1 you very much. And are there any other individuals you said  
2 wanted to address the Court? I know Ms. Pitman's mother is  
3 here, she's here, she doesn't need to speak, that's fine.

4 MR. MARTINEZ: That's correct.

5 THE COURT: Thank you very much. Thank you. And  
6 thank you for being here again Mrs. Pitman. Thank you.

7 And so with that, I now recognize Mr. Ruter as defense  
8 counsel for remarks on behalf of the defendant, Mr. Williams.

9 And I have read your sentencing memorandum, Paper  
10 Number 363 filed on November the 22nd, Mr. Ruter. And attached  
11 to there, as well as another supplement, Paper Number 378, I  
12 read letters from the defendant's father, Duane Chase. I have  
13 read letters from Alex Spell, the defendant's fiancée and the  
14 mother of his youngest of four children. I've read letters from  
15 his cousins, Michael and Manuel William, as well as friends,  
16 Philip Taylor and Carletta Johnson. And I'll certainly  
17 entertain any other comments that any others would like to make.

18 I will note that some of this material is under seal,  
19 and I couldn't quite tell -- all those letters, to my knowledge,  
20 that were submitted by you are, in fact, under seal with your  
21 sentencing memorandum. Do you want them to remain as such?

22 MR. RUTER: Your Honor, I'm sure I always file my  
23 sentencing memoranda and any attachments under seal.

24 THE COURT: That's fine, it can remain so. That's  
25 fine. That's fine. So with that, I'll be glad to hear from

1 you.

2 MR. RUTER: Your Honor, thank you.

3 Mr. Martinez, I do thank him for his comments that I  
4 allegedly got a better deal for my client versus Mr. Hickman.

5 THE COURT: Well, you're a highly respected member of  
6 the court here, Mr. Ruter, and I wouldn't be surprised if you  
7 didn't perform at a very high level in all your cases.

8 MR. RUTER: I would suggest, Your Honor, that the  
9 reason for the difference is because of the quality of the  
10 evidence against Mr. Hickman rather than the quality of the  
11 statements made by Mr. Martinez.

12 And although, Your Honor, there are certainly large  
13 grains of truth, and I'm not suggesting any misinformation from  
14 Mr. Martinez, but a lot of what the Government argues, Your  
15 Honor, is a matter of trying to interpret what appear to be  
16 very, very short and sometimes obscure telephone calls from time  
17 to time. And I don't blame the Government for putting their  
18 particular spin on it, but nonetheless, one has to put a spin on  
19 what's being said on these very brief, very seldom phone  
20 exchanges between Mr. Williams and other people.

21 By and large, the trial would have shown that this man  
22 was very seldom there. He was not a person to hang at the  
23 corners day in and day out looking for trouble.

24 THE COURT: You use the word seldom. Was there any  
25 point in time where he can be linked with calls that involved



1 planning the murder of people? You say the word seldom, it  
2 means that not often or not always but at some point --

3 MR. RUTER: That's true.

4 THE COURT: But at some point in time he was involved  
5 in communications that involved the murder of someone, was he  
6 not?

7 MR. RUTER: Your Honor, there's no question that --  
8 and I'll say this, Judge. Interestingly, with those very few  
9 communications, the person doing all the talking is Hall.

10 THE COURT: Okay.

11 MR. RUTER: It's not Mr. Williams. Mr. Williams at  
12 all times is very passive. He listens. He'll say okay and  
13 things like that. And I --

14 THE COURT: Well, Hall, in fact, admitted to two  
15 murders.

16 MR. RUTER: He did.

17 THE COURT: Yeah.

18 MR. RUTER: He did.

19 I don't have to tell you, Judge Bennett, that this  
20 case primarily, primarily is about the psychopathic character of  
21 Mr. Hall, and his ability, for whatever reason, to, in my  
22 judgment, almost force many of the individuals that hung with  
23 him, one of which is Mr. Williams right here, I treated him like  
24 one of my own sons as far as he's got so much going for him,  
25 Judge Bennett. You've read all that.

1 THE COURT: Yes.

2 MR. RUTER: And he's a much better person than to be  
3 hanging around with the likes of a Trayvon Hall and those  
4 individuals that were directly involved with much of the  
5 violence.

6 I do want to address, Your Honor, the -- a couple of  
7 the acts of violence that Mr. Martinez, you know, and probably  
8 so, outlined. And the first has to do with the grand jury  
9 testimony of the young lady, Ms. Mitchell, who died of an  
10 overdose just this summer, and what she may have said had she  
11 been here to actually make a further statement.

12 She testified, Your Honor, on December 11th of 2019,  
13 and she indicated that all the information that she had came  
14 from her then boyfriend, Eldon Johnson. So we're getting her  
15 spin on what Johnson told her. And we're not even sure, Judge,  
16 what Johnson actually saw himself or what Johnson heard from  
17 somebody else. So we don't know how many layers of hearsay  
18 we've got here, but it's more than three. And so, we have to  
19 take with a huge grain of salt the accuracy of what Ms. Mitchell  
20 offered when she testified before the grand jury.

21 She said --

22 THE COURT: Just so the record is clear, Mr. Ruter,  
23 clearly under the Federal Rules of Evidence, the Federal Rules  
24 of Evidence don't specifically apply to proffers of testimony at  
25 sentencing, correct?

1 MR. RUTER: Well, that's exactly right.

2 THE COURT: Under Rule 1101, and certainly even if  
3 they did, the Court could consider those in terms of reliability  
4 or lack thereof in 807, correct?

5 MR. RUTER: Certainly, Judge. I would file papers if,  
6 in fact, it was not appropriate in terms of the lawsuits itself.

7 THE COURT: Sure. I'm not criticizing you for raising  
8 the issue, I'm just saying that's the standard, so I certainly  
9 can consider these.

10 MR. RUTER: There are no 302's, Judge. All we got  
11 from the Government is this grand jury testimony from her.

12 Now, she also said, Your Honor, that David Greenwood,  
13 one of the people that was injured in that particular case, also  
14 told her about the shooting. And she described in great detail  
15 that she heard shots, she ran, she did not see anybody, has no  
16 idea firsthand who may have done the shooting. But somebody, in  
17 fact, shot Mr. Greenwood.

18 And when she was asked point blank by the prosecutor  
19 who examined her, she said that quote, "Chizzle and them shot at  
20 him." Meaning Mr. Greenwood.

21 Now, the reason I mention that, Judge Bennett, is  
22 this; during that testimony she was asked, as she should have  
23 been, several times, to try to identify, with precision, what it  
24 was that she knew. And obviously, it would be very important if  
25 she had been an eyewitness. Well, she wasn't.

1 And very important that she would tell with specifics  
2 what it was that David Greenwood told her, if anything. But all  
3 we know, Judge, is what she said in those few words. She said  
4 that Chizzle shot -- Chizzle and them shot him. The prosecutor  
5 didn't even bother asking well, when you say "them" -- and I  
6 don't have to tell you this Judge, you read grand jury  
7 transcripts all the time. In the grand jury, the prosecutor's  
8 routinely lead. Clearly, none of the ways they question a  
9 witness in a grand jury would be proper during a trial on the  
10 merits because they're all leading, trying to get the  
11 information out in a manner which the Government wants to hear  
12 it.

13 In that particular instance, the prosecutor didn't  
14 even bother to say, wait a minute, when you say them, who is  
15 them? And at which time, you would expect her to have said, oh,  
16 he said Chizzle and GC. Question was never asked, and we don't  
17 know. But notice, Judge, what came out of her mouth was, in  
18 terms of the name, was Chizzle. That's what came out of her  
19 mouth.

20 She was also questioned about drugs, Your Honor. And  
21 I had to -- not that it was funny, but she was asked point blank  
22 about the drugs, properly so, because the prosecution is trying  
23 to figure out what kind of quantities this conspiracy may have  
24 been responsible for in order to meet the mandatory minimums,  
25 which they ultimately did indict some people for and so it was

1 an important component. She was asked: "Well, Mr. Williams is  
2 out there, selling drugs, isn't he?" And she says: "No, he's  
3 not a drug guy he's just a member of the gang." Very  
4 significant, Judge Bennett.

5 The rest of what I'm going to say is true, yes, he was  
6 close to the fire and yes, he was too close to the fire, and  
7 yes, he discussed things that ultimately violence was committed  
8 against Mr. Pitman and others, there was no doubt about that.  
9 You'll note that Mr. Martinez made it clear that the recording  
10 conversation where he talks briefly with Hall occurred over a  
11 month before Mr. Pitman was shot. There's no indication  
12 whatsoever, Judge, that Mr. Williams had anything to do  
13 ultimately with the death of Mr. Pitman. Nothing. Because the  
14 spatial distance is far too great. But nonetheless, Judge, he  
15 clearly would have known that the possibilities existed that  
16 Mr. Pitman may get himself hurt or killed. And we don't -- we  
17 don't deny that that could not have been foreseeable to him.

18 As to Mr. Queen, Your Honor, Royal Queen, doing life  
19 for rape of a child, he went to the grand jury and, in the  
20 Government's memo, they indicated that he is a key witness.  
21 They didn't say just he is a witness, he is a key witness in  
22 determining whether Mr. Williams had anything to do with the  
23 other shooting that Mr. Martinez referenced.

24 He testified, Judge, as to a large group of ETG Crips  
25 met at a park. He named all of them. He named everybody that

1 was there. Mr. Williams was not one of them. Now, he indicated  
2 further that they left the park and all of them got in these  
3 cars. And then he tried to set it up as to who was in what car.

4 Now, Hall was already there, Judge. He named all --  
5 the whole group. Those that had the guns, those that didn't and  
6 so on. But then miraculously, I guess within seconds, Williams  
7 shows up, because now he's got Williams in the car with, I  
8 think, Pinson who has a gun, and with True, who I guess is  
9 driving the vehicle. No indication that he has a gun but that's  
10 -- according to Queen he's in the car.

11 So they haul off, they see someone that they want to  
12 shoot, they jump out of the car. Not him, but the people with  
13 guns. True brought the guns, he handed out the guns and then  
14 away they go. And then he says everybody went back to the bar  
15 after the shooting. He's asking the grand jury, "well, so who  
16 was there?" He names them all off. Williams is not there.

17 Now, could there be a million reasons? Well, I guess  
18 there could be, but not as often and not in the way this all  
19 went down. This went from the park, in the cars, to where they  
20 might find the target, back to the bar, and he was asked to  
21 account for who was there and Marcus Williams was not there.

22 So why is it important? Well, it's important, Judge,  
23 at least from my perspective, when people are involved in those  
24 kinds of activities sometimes, they don't really know who was  
25 where. They really don't know sometimes who actually showed up

1 and who didn't show up. They sometimes don't know who actually  
2 shot the gun, if there was a shooting. It's common place.

3 But one has to wonder when the key witness testifies  
4 from the grand jury like that and they have no 302's, we don't  
5 know whether or not he had given other statements to the  
6 authorities, maybe to sort that kind of a thing out, we don't  
7 have any of that information. But the court ought to take that  
8 into account. And I recognize the standard is by a  
9 preponderance of the evidence and not beyond a reasonable doubt.  
10 I'm fully aware of all that, and the Court obviously will make  
11 its finding in terms of whether or not it ought to be considered  
12 by this Court as worthy of being believed to the point where you  
13 would consider it for sentencing this man for acts of violence.  
14 Acts of speaking, Judge, no doubt, so on occasion he did speak,  
15 but they were rare.

16 Your Honor, in terms of Mr. Williams' history and  
17 characteristics, we're gonna skip past the seriousness of the  
18 offense, Judge Bennett. People died out there in the street.  
19 They're probably dying right now as we speak in this courtroom,  
20 and people were shot at and hurt and that's all true.

21 THE COURT: Routinely by this gang. Routinely.

22 MR. RUTER: It was routine.

23 THE COURT: I mean, anyone who is a member of the  
24 Crips gang is clearly aware of it, correct?

25 MR. RUTER: Your Honor, I would think it's hard to

1 believe that a person may not -- or a person who hangs around  
2 would not be aware that some kind of violence was occurring.

3           You've already read the presentence report, Judge, and  
4 my submission. He grew up in a very loving family, his mom was  
5 his biggest cheerleader, cared for him as much as she possibly  
6 could. He told the presentence investigator, "I think it found  
7 its way in the presentence report and my submission, that  
8 because of a heart problem." He was born with a hole in the  
9 heart, which I've asked the Court to consider.

10           THE COURT: Yes. I made a note that I'll certainly  
11 recommend where he is assigned that he be given appropriate  
12 medical care and attention with respect to his heart ailment.

13           MR. RUTER: Yes. It's not been resolved. And as I  
14 try to point out, I hope, Your Honor, to your satisfaction, and  
15 understanding, that lead him being in the house a whole lot when  
16 he was a kid. I'm talking about one, two, three, four, up into  
17 his teenage years. Partly because -- so he never did sports.  
18 He was kind of ostracized and somewhat bullied by other guys  
19 because he wasn't on the streets and he wasn't around, hanging  
20 around, and he wasn't involved in basketball shooting or pickup  
21 football games or activities out of school or in school.

22           He had the wonderful support of his father and  
23 stepfather. His stepfather passed away in March of this year,  
24 which caused Mr. Williams an extreme depression as a result of  
25 that.



1 THE COURT: His biological father, Duane Chase, has  
2 been supportive of him and has written a letter. Is Mr. Chase  
3 here in court today?

4 MR. RUTER: I can't tell, Judge. He is. He is. Yes.

5 I think I even noted, Your Honor, that in terms of the  
6 way that Mr. Williams was reared, that there was more than one  
7 occasion when his biological father and stepfather together went  
8 to the school to talk with teachers to see what was going on  
9 with Marcus' studies or any of his behaviors. Not that he was a  
10 horrific kid in that regard.

11 THE COURT: But he dropped out of the 11th grade. He  
12 doesn't have his GED yet.

13 MR. RUTER: He does not.

14 THE COURT: I'm going to recommend he get his GED  
15 while incarcerated.

16 MR. RUTER: He clearly is smart enough, Judge, I can  
17 tell you that. He is articulate and he has the innate ability  
18 to do, I think, a lot of things in this life.

19 The Court is aware, Your Honor, that he has children.  
20 His fiancée Ms. Alexis Spell, who I believe may be an angel in  
21 disguise, takes care of the children. She tells me that he has  
22 been an unbelievable father, dotes over those children. Has  
23 emphasized the importance of education, behavior, manners, and  
24 the like, some of which we know he ignored as being a part of  
25 this gang.

1 Your Honor knows that he has had these problems with  
2 depression, Your Honor, and anxiety. They've been going on for  
3 a long time. I've asked the Court to consider having him  
4 evaluated psychiatrically when he enters the Bureau of Prisons  
5 and, of course, he's treated appropriately if --

6 THE COURT: I will definitely recommend mental health  
7 treatment program for him.

8 MR. RUTER: Thank you, Judge.

9 And you also know that he has been using marijuana and  
10 Xanax for a lengthy period of time. He probably won't qualified  
11 for the RDAP program, Your Honor, if he does, he may --

12 THE COURT: I'll recommend he participate in any drug  
13 treatment program for which he's eligible and it may or may not  
14 include RDAP.

15 MR. RUTER: Which I would ask you to do, and I  
16 appreciate that.

17 THE COURT: Certainly will.

18 MR. RUTER: I'd also indicated, Judge, you saw the  
19 list in my submissions that he's a pretty -- he has a pretty  
20 aggressive schedule for things he might want to do in his life.

21 THE COURT: Well, I saw you said in terms of  
22 vocational training, both CDL license, commercial driver's  
23 license, as well as I think so you had the culinary arts, which  
24 is a little bit of a variety it seems to me. I'm not really  
25 sure. I find it helpful to focus upon one matter that the

1 Bureau of Prisons will focus upon. I'm inclined to recommend a  
2 CDL license because there's plenty of jobs out there.

3 MR. RUTER: Your Honor, I don't disagree with that,  
4 and you are correct. I think my reading of the BOP, that  
5 sometimes becomes an issue, becomes watered down when you have a  
6 potpourri of interest and so I don't oppose that at all, that  
7 you would emphasize that in your commitment and judgment order.

8 You saw, Judge, the number of jobs that this man has  
9 held down. His father had told him and abided by that principle  
10 that you never leave one job unless you've already secured a  
11 better job to take its place. And I outlined in my submission,  
12 Your Honor, from one job to the next to the next, one time there  
13 was a gap on his now three year old child, he and Alexis' child  
14 was born with some very significant physical challenges, which  
15 had to be handled. Ms. Spell has a very good job and he stayed  
16 -- he left his job so that they could not have to hire, which  
17 they probably couldn't even afford, the kind of care that the  
18 child would need at such a young age. And then after he was  
19 able, he went back to work and was starting to work at the  
20 Coca-Cola Company before he was arrested in this case.

21 So, Your Honor, we know that the factors that you have  
22 to consider in terms of rendering what you believe to be a  
23 reasonable sentence. And you have to look at those issues in  
24 reflecting the seriousness of the offense, promoting respect for  
25 the law, having just punishment and deterrence. I'd suggest

1 this as to deterrence.

2 I am persuaded, and oftentimes I'm not by my clients,  
3 that this young man doesn't need to be deterred. You are going  
4 to deter him this afternoon, Judge, we know that. And whether  
5 or not general deterrence works, I haven't the foggiest idea. I  
6 sure wish that it did. But I honestly, in my heart of hearts  
7 and intellect, don't believe that it does work. I just wish  
8 that I was wrong in that regard.

9 He is as remorseful a person as I have met, Your  
10 Honor. We were together last night at Chesapeake until a little  
11 after 7 p.m. and there was a time for him breaking down in tears  
12 because of what he has done. He mentioned those -- those  
13 individuals who had been killed and injured because he knows, in  
14 fact, that all that happened. He knows that he played a role by  
15 being a Crip. He's sorrowful for what he's done to his parents  
16 and his fiancée and his children. And there's no doubt in my  
17 mind that he is the kind of person that you most likely will not  
18 see here again.

19 Your Honor, I do take issue with brother counsel in  
20 terms of trying to compare him with the others. And I've  
21 already made, attempted to make my case as to why you ought not  
22 to consider with a silver spoon that the Government painted that  
23 he, in fact, shot anybody.

24 THE COURT: Well, I don't know that I'm trying to  
25 place him in a category with respect to Foster, Jackson,

1 Johnson, and Pinson in that same rage, and so his relative  
2 culpability. And as to some of them, the same argument would  
3 apply, they were not necessarily specifically involved with the  
4 murders as was Mr. Hall, for example, but I do find it  
5 beneficial that the Government is focused upon those four, as I  
6 have focused upon them, as far as where your client should be  
7 placed terms of relative culpability.

8 MR. RUTER: Of course Mr. Pinson, Your Honor, you  
9 know, had a mandatory five years --

10 THE COURT: Yes.

11 MR. RUTER: -- attached to his sentence, which helped  
12 drive, in my judgment, not that I was --

13 THE COURT: So does your client have a mandatory five  
14 year sentence on Count 2?

15 MR. RUTER: Well, I understand that, Judge. But I'm  
16 also trying to get the -- with Mr. Pinson evidently, the  
17 evidence is quite clear concerning his participation with the  
18 Weaver case. I'm suggesting to this Court that you ought not to  
19 be quite as convinced that Mr. -- that Mr. Williams had anything  
20 to do with that, given the quality of what you have before you  
21 as a means by which to differentiate Mr. Williams from  
22 Mr. Pinson.

23 Another factor, which is rather significant, I think,  
24 Judge, however, is this man has never spent a day of his life in  
25 jail.

1 THE COURT: Until he was arrested on these charges on  
2 October 7, 2020.

3 MR. RUTER: Yes.

4 THE COURT: Yeah.

5 MR. RUTER: The one conviction he has, Judge, is a  
6 theft. And I would just explain, in that theft case he had been  
7 in a car accident. And what had happened was he believed that  
8 -- and so did the other driver, that he was the at fault driver.  
9 And it was discussed between he and the other driver that for  
10 \$1,500 nobody would call the insurance company and walk away.

11 So this guy wrote Mr. Williams a check for \$1,500. He  
12 went to cash it and he had -- the other guy had stopped payment  
13 on it after he tried to -- had tried to deposit that check.  
14 That's the nature of what happened. He got PBJ, no jail time.  
15 The money was -- he didn't actually pay anything because nothing  
16 was cashed. That's what happened. That's the extent of his  
17 involvement.

18 So, Your Honor, the -- I see his criminal history as  
19 being extremely important when a person doesn't spend a day in  
20 jail, ever, except for these particular acts. And when you see  
21 the way he's been working for all these years as an adult, all  
22 real, it should give this Court hesitation as to why he should  
23 not be at the high range. And you already know what I argued,  
24 Judge. He shouldn't be in a middle range. He's in a better  
25 position than Mr. Foster or Jackson and Johnson and, therefore,

1 we believe that that sentence which is, in fact, sufficient but  
2 not greater than necessary, Your Honor, to fulfill the dictates  
3 of § 3353(a) is the lowest number of 79 -- or 78 months to the  
4 Bureau of Prisons.

5 THE COURT: Thank you very much, Mr. Ruter. And with  
6 that, if you'll please stand.

7 Do you desire to call any witnesses, Mr. Ruter? Not  
8 that you need to.

9 MR. RUTER: No.

10 THE COURT: I read all the letters.

11 MR. RUTER: I know you have, Your Honor. These are  
12 great folks, I've talked to most of them during my  
13 representation. And we will sit back.

14 THE COURT: That's fine. Thank you very much. Then  
15 if you'll please stand, Mr. Williams. I now personally address  
16 you and determine if you wish to make a statement and give you  
17 the opportunity to speak on your own behalf. Would you like to  
18 make a statement?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Keep your voice up if you would.

21 THE DEFENDANT: I just want to first and foremost  
22 thank God for allowing me to be here today. And I want to thank  
23 the Court for allowing me to speak. I want to apologize to  
24 everybody I hurt. I just want to let everybody know you're  
25 never going to see me in here again, and I ain't big on saying

1 what I'm going to do, but I can show you that. Thank you.

2 I love you.

3 (Private Conference at the bench.)

4 (It is the policy of this Court that every guilty  
5 plea and sentencing proceeding include a private  
6 Conference concerning whether the defendant is  
or is not cooperating.)

7 THE COURT: well, Mr. Williams, you were clearly  
8 involved in a violent organization. And how people get involved  
9 in that is -- it's understandable to the Court, in the context  
10 of those that don't have much of a family sometimes. Doesn't  
11 justify it, but I understand it. You have a strong family  
12 behind you, as is reflected by the number of people here in the  
13 courtroom. And I think you turned a corner in life -- that  
14 hopefully you've turned a corner, because you've got four  
15 children by four different mothers. And in all candor, that's  
16 not all that unusual in this court and that's another  
17 instability factor.

18 But I do always note, and so your family members  
19 understand, I do always note those who come into court who have  
20 been involved in these violent activity. And I said this -- I  
21 said this this morning in Mr. Hall's sentencing. And I have no  
22 doubt that the people here in -- that are in your neighborhood,  
23 in your community, including your family, know the truth of what  
24 I'm about to say.

25 There are parts of this city, in this metropolitan



1 area, that are like a war zone. I once had an older woman, in a  
2 fit of expiration, indicate -- say before me, and she was right.  
3 Can't someone just walk their child down the sidewalk without  
4 bullets flying by, can't people just take a walk in the  
5 neighborhood without people trying to shoot each other? It goes  
6 on and on and on. It happened within the past week, it'll  
7 happen next week. And you were part of that violent culture.  
8 And it's always frustrating to me when I have someone who is  
9 feeling the pains of this, as you obviously are.

10 To think, well, how do you think it impacts your  
11 children? Do you want your children to walk on the street where  
12 the Crips are having an argument with another gang, with the  
13 BGF? Would you like for them to be walking up the street when  
14 there's a dispute like that?

15 THE DEFENDANT: No, sir.

16 THE COURT: Of course not. And that's exactly what  
17 happens, and it's very frustrating to the Court. The reason  
18 you're here in federal court is because the state system has  
19 become totally overwhelmed by it. So the cases are being  
20 brought in federal court trying to deal with extraordinary  
21 levels of violence in certain parts of the metropolitan area.  
22 We've got kids killing kids. 18 and 19 year olds killing each  
23 other.

24 And what's worse is they're endangering the whole  
25 community. And people within walking distance of this

1 courthouse, there are neighborhoods that are like a war zone.  
2 It's safer to be in Kyiv, Ukraine than is to be here in this  
3 city, in certain portions of the city.

4 And it's very frustrating. It's very frustrating when  
5 we have to deal with this in terms of what proportionate penalty  
6 should be imposed. But one of the factors under 18 United  
7 States Code § 3553, which both Government counsel and defense  
8 counsel, your counsel, have aptly noted are to look at  
9 comparable individuals.

10 And I asked Mr. Martinez, and he's very careful in  
11 going through the comparable liability and culpability, rather,  
12 of individuals, other individuals here.

13 The -- looking at these, it you can't -- there's no  
14 magic wand that I can wave in terms of exactly defining  
15 culpability. I'm satisfied, based upon the proffer, that  
16 Mr. Pinson was more culpable than you. And based upon  
17 Government counsel's very thorough allocution, and Mr. Martinez,  
18 as always, was very thorough about comparing Mr. Pinson to  
19 Mr. Hickman. Mr. Hickman received 120 months or ten years,  
20 Mr. Pinson received 97 months, or essentially that comes out to  
21 some eight years; just slightly over eight years.

22 I'm satisfied that you should be below Mr. Pinson.  
23 That you should not have the same 97 month sentence as  
24 Mr. Pinson, in terms of the extent of your involvement. With  
25 respect to where you fall with Mr. Johnson and Mr. -- who

1 received 84 months, and Mr. Foster who received 87 months, and  
2 Mr. Jackson who received 87 months, I'm satisfied that your  
3 culpability is -- relative culpability is in that range.

4 And I'm also satisfied, by preponderance of the  
5 evidence, that you were not directly involved, physically, in  
6 the murders, but you were involved in the speaking about them.  
7 But I'll also note that you've had prior stable employment, and  
8 that bodes in your favor. And I'm also aware of the fact that  
9 you have a family support network that bodes in your favor.

10 When all of that is said and done, looking at the  
11 factors under 3353(a)(6) to avoid sentencing disparities, I'm  
12 satisfied that is sentence of 87 months is the appropriate  
13 sentence here. It is sufficiently comparable in terms of  
14 codefendants. It takes into those factors.

15 And Mr. Gurevich, make note under 3353(3)(a)(6) of  
16 Title 18.

17 So it is ordered that you be remanded to the custody  
18 of the Bureau of Prisons for a period of 87 months on Count 1,  
19 and 87 months on Count 2, concurrent to Count 1, for a total  
20 term of 87 months incarceration. That is essentially some --  
21 essentially 87 months comes out to just slightly more than seven  
22 years.

23 Now, you're being given credit for time served in  
24 federal custody. That 87 months is with credit for time served  
25 in federal custody since October 7, 2020, which means that you

1 have served, essentially, already almost 26 months of that 84  
2 month sentence. And that means that you have slightly less than  
3 five years to go, and you can still get good time credit. I  
4 think that is the proportionate and balanced sentence.

5 I'm going to recommend you get your GED while you're  
6 incarcerated.

7 I'm going to recommend that you receive medical  
8 attention with respect to your heart issue, and that should be  
9 directly in the judgment and commitment order, Mr. Gurevich, so  
10 I know the Bureau of Prisons sees the reference to his heart  
11 issues.

12 I'm going to recommend that you receive mental health  
13 treatment.

14 I'm going to recommend that you participate in the  
15 drug treatment program for which you're eligible and included in  
16 the RDAP program if you're eligible for it.

17 I'm going to recommend that you receive vocational  
18 training. I'm going to specifically note that I want you to get  
19 training, commercial driver's license training. I can't  
20 guarantee you'll get all those, but I will recommend all of  
21 that. Particularly, the -- you'll receive all of these  
22 programs, but I want to make sure you receive vocational  
23 training.

24 I think that to have a shopping list of things such as  
25 culinary arts and what have you, I don't know -- is that to say

1 his second choice is culinary arts?

2 MR. RUTER: It is, Your Honor.

3 THE COURT: Then I will make -- Mr. Gurevich, note  
4 commercial driver's license, CDL, or culinary arts. Cooking  
5 programs may be more available. Cooking programs may be more  
6 available than CDL license, okay? They may be more available.  
7 So with that, I'll make that recommendation as well.

8 With respect to the designation, Mr. Ruter, does he  
9 have any particular request? I can't bind the Bureau of Prisons  
10 by this but I'll make a recommendation. What is the  
11 recommendation you want me to make?

12 MR. RUTER: Just nearest Baltimore, Judge.

13 THE COURT: All right. On this, I recommended  
14 Fairton, New Jersey for some of these others, or Fort Dix, New  
15 Jersey. I have a sense that as to Mr. Williams -- Foster and  
16 Johnson, essentially recommended Fairton as to some of those  
17 defendants. I'm inclined to recommend a facility other than  
18 those, Mr. Ruter, to get him away from this entire group. I'm  
19 inclined to recommend FCI Cumberland, Maryland. It's an easy  
20 drive. It's off the beltway, just drive straight out western  
21 Maryland. You don't see a red light until you're two blocks  
22 from the prison, but I'm going to recommend FCI Cumberland,  
23 Maryland.

24 I'm going to note for the reasons that I've said in  
25 terms of the propriety of his sentence and the violence of the

1 Crips gang, I'm going to place you on supervised release for a  
2 period of three years on Count 1 and five years on Count 2,  
3 concurrent to Count 1, for a total period of supervised release  
4 of five years.

5 I want to specifically go over the mandatory  
6 conditions and the standard conditions of supervision. As to  
7 the mandatory conditions, you must not commit any federal,  
8 state, or local crime.

9 You must not unlawfully possess a controlled  
10 substance.

11 You must refrain from any unlawful use of the  
12 controlled substance and submit to a drug test within 15 days of  
13 your release.

14 Restitution is not a factor here, is it, Mr. Martinez?

15 MR. MARTINEZ: No, Your Honor.

16 THE COURT: All right. You must cooperate in the  
17 collection of DNA as directed by the probation officer.

18 Sex offender registration is also not an issue here.

19 If the Court deems applicable, you should participate  
20 in any approved program for violence.

21 They are the mandatory conditions. As to the standard  
22 conditions, you must comply as follows with these conditions as  
23 well.

24 You must report to the probation office in the federal  
25 judicial district you're authorized to reside within 72 hours of

1 your release from imprisonment.

2 After initially reporting to the probation office,  
3 you'll receive instructions as to how frequently to report.

4 You must not knowingly leave the federal district  
5 where your authorized to reside without first getting permission  
6 from the probation officer.

7 You must answer truthfully all questions asked of you  
8 by the probation officer.

9 You must live in a place approved by the probation  
10 officer. And if you're inclined to try to move to another  
11 residence, you must notify the probation officer at least ten  
12 days before the change.

13 You must allow the probation officer to visit you at  
14 any time.

15 You must -- Mr. Gurevich, we'll change this again to  
16 read you must make every effort to obtain full-time employment.  
17 I'm not going to mandate full-time employment as a condition  
18 because I can't guarantee you'll get full-time employment right  
19 away. I'm hopeful that you'll be able to do that and be  
20 appropriately trained.

21 You are not to communicate or interact with anyone you  
22 know is engaged criminal activity.

23 And if you're arrested by law enforcement, you must  
24 notify the probation officer -- if you have any interaction with  
25 law enforcement, you must notify the probations officer within

1 72 hours of that interaction.

2           You must not own or possess or have access to a  
3 firearm or any other destructive device.

4           You must not make any agreement with law enforcement  
5 to act as a confidential source of information without the  
6 approval of the Court.

7           If you're deemed to pose a risk to anyone, you're to  
8 abide by the instructions of the probation officer to avoid that  
9 person.

10           In short, you must follow the recommendations and  
11 instructions of the probation officer.

12           In addition to those specific conditions, the  
13 following additional conditions are being added:

14           You must not communicate or interact with anyone that  
15 you know is in the ETG, 8-Tray Gang or Crip member without first  
16 getting permission of the probation officer of any kind.

17           Secondarily, you must participate in any vocational  
18 program as deemed necessary.

19           Third, you are to participate in any mental health  
20 treatment program, as necessary.

21           Fourth, you must participate in a substance abuse  
22 treatment program as deemed necessary and must submit to  
23 substance abuse testing.

24           And Mr. Gurevich, you can look, the additional  
25 conditions for Mr. Jackson, for example, the codefendant in this



1 case and see those additional conditions. All of those  
2 conditions shall apply here as well.

3 I'm not going to impose a fine in this case because  
4 you're not able to pay a fine.

5 There is a mandatory special assessment of \$100 per  
6 count, that will come to \$200. It'll just be deducted from your  
7 prison wages, no one is expecting you to write a check for \$200  
8 here today.

9 I want to advise you of your appeal rights. Paragraph  
10 18 of the plea agreement that was introduced as Government  
11 Exhibit 1 in August before Judge Blake, indicated that, both,  
12 you and the Government waived appeal of a sentence within this  
13 range, but if you still felt like you wanted to note an appeal,  
14 you should do so within 14 days of the entry of the judgment and  
15 commitment order in this case, pursuant to Rule 4(b) of the  
16 Federal Rules of Appellate Procedure.

17 If you could not afford an attorney to represent you,  
18 an attorney could be appointed to represent you.

19 Mr. Ruter, you do not need to notify the Court, but if  
20 you would just make sure that your own file reflects that you  
21 have discussed this matter with him and presumably, he does not  
22 desire to file an appeal in this case.

23 MR. RUTER: Yes, sir.

24 THE COURT: Is there anything further from the point  
25 of view of the Government on this matter, Mr. Martinez?

1 MR. MARTINEZ: No, Your Honor. Thank you.

2 THE COURT: I think this takes us to the threshold  
3 here. We basically have one more defendant to be sentenced in  
4 about two weeks I think, Devin Powell.

5 MR. MARTINEZ: That's correct, Your Honor. My  
6 understanding is sentencing has been postponed until early  
7 February.

8 THE COURT: Okay, has it really? Whatever. I'll make  
9 a note here of that and figure it out.

10 Okay. Anything further from the point of view of the  
11 defense, Mr. Ruter?

12 MR. RUTER: No thank you, Your Honor.

13 THE COURT: Mr. Williams, I wish you the best of luck.  
14 You know, you choked up a little bit and got a little emotional  
15 when you looked at your family back there. Turn around and look  
16 at them again. Make a mental note, Mr. Williams. Look back at  
17 me for a minute. You owe those people. So I'm expecting those  
18 people who are behind and -- Mr. Williams.

19 Mr. Williams, remember this today, understand? Don't  
20 let them down again. Don't put them through this again, you  
21 understand?

22 THE DEFENDANT: You ain't got to worry about that at  
23 all.

24 THE COURT: With that, this Court stands adjourned.

25 (The proceedings concluded at 3:57 p.m.)

I, Kassandra L. McPherson, RPR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings held in the above-entitled matter.

Dated this 6th day of May 2023.

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Kassandra L. McPherson, RPR  
Official Court Reporter

<b>\$</b>	22:16, 23:6, 23:19, 23:22, 24:1, 28:17, 30:1 <b>2017</b> [1] - 24:5 <b>2018</b> [1] - 24:12 <b>2019</b> [7] - 23:24, 24:15, 24:18, 28:18, 29:9, 29:24, 34:12 <b>2020</b> [5] - 7:14, 7:21, 19:24, 46:2, 51:25 <b>2022</b> [1] - 1:8 <b>2023</b> [1] - 59:7 <b>21</b> [1] - 5:14 <b>21021</b> [1] - 1:15 <b>21237</b> [1] - 1:18 <b>22nd</b> [1] - 31:10 <b>23rd</b> [2] - 22:16, 23:6 <b>25</b> [1] - 26:9 <b>26</b> [4] - 15:10, 18:11, 26:17, 52:1 <b>28</b> [6] - 8:23, 15:16, 15:22, 26:7, 26:20, 27:1 <b>2:35</b> [1] - 2:1 <b>2nd</b> [3] - 5:8, 6:13, 15:9	<b>5</b>	24:11, 24:14, 24:20, 24:23, 25:10 <b>abide</b> [1] - 56:8 <b>abided</b> [1] - 43:9 <b>ability</b> [2] - 33:21, 41:17 <b>able</b> [4] - 18:14, 43:19, 55:19, 57:4 <b>above-entitled</b> [1] - 59:6 <b>absent</b> [2] - 11:2, 14:18 <b>abuse</b> [2] - 56:21, 56:23 <b>accepted</b> [2] - 6:23, 21:2 <b>access</b> [1] - 56:2 <b>accident</b> [1] - 46:7 <b>according</b> [1] - 38:10 <b>account</b> [3] - 10:25, 38:21, 39:8 <b>accuracy</b> [1] - 34:19 <b>achieve</b> [1] - 11:24 <b>Act</b> [3] - 13:6, 13:7, 15:3 <b>act</b> [2] - 13:12, 56:5 <b>acting</b> [1] - 3:21 <b>activities</b> [3] - 23:14, 38:24, 40:21 <b>activity</b> [2] - 48:20, 55:22 <b>acts</b> [5] - 29:1, 34:7, 39:13, 39:14, 46:20 <b>actual</b> [1] - 29:4 <b>added</b> [1] - 56:13 <b>addiction</b> [2] - 27:16, 27:19 <b>addition</b> [2] - 29:24, 56:12 <b>additional</b> [4] - 20:15, 56:13, 56:24, 57:1 <b>address</b> [8] - 6:8, 12:4, 17:14, 17:15, 18:2, 31:2, 34:6, 47:15 <b>addressing</b> [1] - 17:18 <b>adjourned</b> [1] -	58:24 <b>adjusted</b> [2] - 18:11, 18:12 <b>adjustment</b> [4] - 15:12, 15:13, 15:15, 15:16 <b>administrative</b> [2] - 14:2, 14:13 <b>admitted</b> [9] - 19:19, 21:13, 24:9, 24:21, 24:25, 27:24, 28:11, 33:14 <b>adopted</b> [2] - 10:22, 11:4 <b>adult</b> [1] - 46:21 <b>advise</b> [1] - 57:9 <b>advisory</b> [2] - 10:21 <b>affect</b> [1] - 12:20 <b>afford</b> [2] - 43:17, 57:17 <b>afternoon</b> [6] - 2:3, 3:4, 4:1, 4:2, 6:7, 44:4 <b>afterwards</b> [1] - 25:11 <b>age</b> [1] - 43:18 <b>Agent</b> [1] - 3:8 <b>agent</b> [1] - 3:10 <b>AGENT</b> [2] - 3:11, 3:13 <b>aggressive</b> [1] - 42:20 <b>ago</b> [2] - 10:4, 13:7 <b>agree</b> [2] - 6:16, 18:21 <b>agreed</b> [8] - 8:25, 9:12, 17:6, 17:9, 17:17, 18:15, 18:17, 26:25 <b>agreement</b> [15] - 6:18, 7:7, 9:2, 9:14, 10:8, 13:21, 15:7, 20:1, 21:9, 24:21, 25:5, 27:9, 27:15, 56:4, 57:10 <b>aided</b> [1] - 1:25 <b>ailment</b> [1] - 40:12 <b>ain't</b> [2] - 47:25, 58:22 <b>Albert</b> [3] - 6:2, 21:12, 21:23 <b>Alex</b> [1] - 31:13 <b>Alexis</b> [2] - 4:20, 41:20	<b>Alexis'</b> [1] - 43:13 <b>allegedly</b> [1] - 32:4 <b>Allen</b> [1] - 23:12 <b>allocution</b> [3] - 5:3, 12:3, 50:17 <b>allow</b> [1] - 55:13 <b>allowing</b> [2] - 47:22, 47:23 <b>almost</b> [5] - 10:1, 10:4, 11:14, 33:22, 52:1 <b>Alvin</b> [4] - 17:21, 26:3, 26:18, 28:25 <b>AMERICA</b> [1] - 1:3 <b>amount</b> [1] - 8:11 <b>analysis</b> [7] - 9:21, 9:23, 17:16, 23:2, 25:3, 28:14, 30:22 <b>analyzing</b> [1] - 11:10 <b>angel</b> [1] - 41:20 <b>ankle</b> [1] - 16:14 <b>answer</b> [1] - 55:7 <b>Anthony</b> [4] - 16:4, 20:16, 22:17, 28:5 <b>anticipates</b> [1] - 15:7 <b>anxiety</b> [1] - 42:2 <b>apart</b> [1] - 11:22 <b>apologize</b> [2] - 2:6, 47:23 <b>appeal</b> [7] - 9:4, 11:2, 11:3, 57:9, 57:12, 57:13, 57:22 <b>Appeals</b> [1] - 11:1 <b>appear</b> [1] - 32:15 <b>Appellate</b> [1] - 57:16 <b>applicable</b> [1] - 54:19 <b>applied</b> [2] - 10:21, 13:10 <b>apply</b> [5] - 10:24, 18:7, 34:24, 45:3, 57:2 <b>appointed</b> [2] - 3:22, 57:18 <b>appreciate</b> [1] - 42:16 <b>appreciates</b> [1] - 19:22 <b>approach</b> [2] - 10:22, 11:4						
<b>1</b>	1 [10] - 5:8, 9:3, 15:8, 16:16, 22:20, 51:18, 51:19, 54:2, 54:3, 57:11 <b>10</b> [1] - 15:18 <b>11</b> [1] - 9:15 <b>11(c)(1)(c)</b> [3] - 6:15, 9:22, 15:24 <b>1101</b> [1] - 35:2 <b>11th</b> [2] - 34:12, 41:11 <b>12</b> [2] - 14:25, 15:18 <b>120</b> [3] - 30:3, 30:16, 50:19 <b>13th</b> [1] - 24:18 <b>14</b> [1] - 57:14 <b>15</b> [2] - 9:15, 54:12 <b>16</b> [2] - 15:1, 15:8 <b>18</b> [12] - 5:11, 5:12, 9:2, 9:4, 10:1, 10:4, 11:14, 20:11, 49:22, 50:6, 51:16, 57:10 <b>19</b> [2] - 13:6, 49:22 <b>1962(d)</b> [1] - 5:12 <b>1st</b> [1] - 16:20	<b>6</b>	60 [1] - 14:25 <b>641</b> [1] - 5:14 <b>6th</b> [1] - 59:7	<b>7</b>	7 [6] - 1:8, 7:14, 7:21, 44:11, 46:2, 51:25 <b>70</b> [1] - 26:10 <b>72</b> [2] - 54:25, 56:1 <b>74</b> [1] - 12:11 <b>78</b> [8] - 6:20, 7:5, 8:24, 15:23, 17:6, 26:17, 26:21, 47:3 <b>79</b> [1] - 47:3	<b>8</b>	8 [1] - 15:1 <b>8-Tray</b> [3] - 20:2, 21:17, 56:15 <b>807</b> [1] - 35:4 <b>84</b> [4] - 17:22, 26:3, 51:1, 52:1 <b>87</b> [16] - 17:20, 17:21, 26:2, 26:4, 26:8, 26:10, 26:18, 51:1, 51:2, 51:12, 51:18, 51:19, 51:20, 51:21, 51:24 <b>88</b> [1] - 15:2	<b>9</b>	9 [1] - 9:11 <b>9411</b> [1] - 1:18 <b>97</b> [15] - 6:20, 6:25, 8:24, 15:23, 17:6, 17:23, 26:18, 26:21, 26:24, 27:4, 29:6, 30:19, 30:23, 50:20, 50:23	<b>A</b>	<b>Abbington</b> [7] - 24:2, 24:8,
<b>2</b>	2 [6] - 5:8, 19:7, 27:3, 45:14, 51:19, 54:2 <b>2003</b> [2] - 13:6, 14:1 <b>2004</b> [1] - 14:14 <b>2005</b> [2] - 10:4, 10:20 <b>2007</b> [1] - 11:17 <b>2010</b> [1] - 15:19 <b>2014</b> [1] - 15:19 <b>2016</b> [14] - 19:24, 20:1, 20:12, 20:13, 20:15, 21:10, 21:14,	<b>3</b>	<b>30</b> [3] - 13:14, 14:21, 15:15 <b>302's</b> [2] - 35:10, 39:4 <b>3353(3)(a)(6)</b> [1] - 51:15 <b>3353(a)</b> [2] - 17:14, 47:3 <b>3353(a)(6)</b> [1] - 51:11 <b>3553</b> [2] - 19:20, 50:7 <b>36</b> [1] - 1:15 <b>363</b> [1] - 31:10 <b>367</b> [1] - 16:19 <b>378</b> [1] - 31:11 <b>3:57</b> [1] - 58:25	<b>4</b>	<b>4(b)</b> [1] - 57:15 <b>45</b> [1] - 24:24						

<b>approaching</b> [1] - 22:10	40:12, 52:8	43:5	26:13, 57:11	30:5	40:10, 42:17
<b>appropriate</b> [8] - 7:11, 9:24, 11:11, 13:23, 25:20, 35:6, 40:11, 51:12	<b>Attorney</b> [1] - 1:14	<b>beef</b> [4] - 20:8, 21:4, 24:1, 24:2	<b>blame</b> [1] - 32:17	<b>candor</b> [1] - 48:15	<b>certify</b> [1] - 59:5
<b>appropriately</b> [2] - 42:5, 55:20	<b>attorney</b> [2] - 57:17, 57:18	<b>BEFORE</b> [1] - 1:11	<b>blank</b> [2] - 35:18, 36:21	<b>cannot</b> [1] - 19:18	<b>chain</b> [2] - 21:14
<b>approval</b> [1] - 56:6	<b>attributable</b> [1] - 18:10	<b>began</b> [2] - 18:8, 21:4	<b>block</b> [3] - 24:11, 24:20, 24:23	<b>car</b> [7] - 29:11, 29:14, 38:3, 38:7, 38:10, 38:12, 46:7	<b>challenges</b> [1] - 43:14
<b>approve</b> [1] - 14:21	<b>August</b> [4] - 5:8, 6:13, 15:9, 57:11	<b>begins</b> [1] - 14:24	<b>blocks</b> [1] - 53:21	<b>care</b> [3] - 40:12, 41:21, 43:17	<b>change</b> [2] - 55:12, 55:15
<b>approved</b> [2] - 54:20, 55:9	<b>authorities</b> [1] - 39:6	<b>behalf</b> [7] - 3:16, 3:17, 12:7, 12:8, 16:3, 31:8, 47:17	<b>blood</b> [1] - 12:11	<b>cared</b> [1] - 40:5	<b>changed</b> [1] - 2:17
<b>April</b> [4] - 24:14, 24:18, 29:9, 29:24	<b>authorized</b> [2] - 54:25, 55:5	<b>behavior</b> [1] - 41:23	<b>bloody</b> [1] - 20:3	<b>careful</b> [1] - 50:10	<b>character</b> [1] - 33:20
<b>aptly</b> [1] - 50:8	<b>available</b> [4] - 16:25, 53:5, 53:6	<b>behaviors</b> [1] - 41:9	<b>bodes</b> [2] - 51:8, 51:9	<b>Carletta</b> [2] - 4:21, 31:16	<b>characteristics</b> [3] - 11:6, 14:8, 39:17
<b>area</b> [2] - 49:1, 49:21	<b>Avenue</b> [6] - 24:2, 24:8, 24:11, 24:20, 24:23, 25:10	<b>behind</b> [3] - 22:13, 48:12, 58:18	<b>body</b> [1] - 28:3	<b>carried</b> [3] - 2:5, 20:8, 20:21	<b>charge</b> [1] - 15:19
<b>areas</b> [2] - 2:14, 2:18	<b>avoid</b> [2] - 51:11, 56:8	<b>below</b> [1] - 50:22	<b>Booker</b> [2] - 10:6, 11:16	<b>cars</b> [4] - 29:10, 38:3, 38:19	<b>charged</b> [2] - 5:10, 5:16
<b>argue</b> [2] - 30:9, 30:12	<b>aware</b> [7] - 17:7, 23:8, 39:10, 39:24, 40:2, 41:19, 51:8	<b>beltway</b> [1] - 53:20	<b>boosted</b> [1] - 2:23	<b>CASE</b> [1] - 1:4	<b>charges</b> [2] - 7:14, 46:1
<b>argued</b> [1] - 46:23		<b>bench</b> [1] - 48:3	<b>BOP</b> [1] - 43:4	<b>case</b> [41] - 2:8, 2:11, 2:19, 4:15, 4:16, 4:18, 5:7, 7:9, 8:5, 9:16, 9:22, 11:15, 11:16, 13:21, 14:24, 17:10, 18:8, 18:15, 18:17, 18:20, 18:22, 18:24, 19:13, 19:25, 20:6, 21:4, 21:24, 25:22, 27:15, 30:21, 33:20, 35:13, 43:20, 44:21, 45:18, 46:6, 57:1, 57:3, 57:15, 57:22	<b>Charles</b> [1] - 1:15
<b>argues</b> [1] - 32:14		<b>beneficial</b> [1] - 45:5	<b>born</b> [2] - 40:8, 43:14	<b>cases</b> [7] - 9:12, 13:9, 18:5, 18:6, 26:14, 32:7, 49:19	<b>Chase</b> [4] - 4:19, 31:12, 41:1, 41:2
<b>argument</b> [3] - 19:18, 45:2, 49:12		<b>benefits</b> [1] - 13:20	<b>bother</b> [2] - 36:5, 36:14	<b>cash</b> [1] - 46:12	<b>chats</b> [1] - 28:21
<b>arrested</b> [3] - 43:20, 46:1, 55:23		<b>BENNETT</b> [1] - 1:11	<b>bound</b> [1] - 10:24	<b>cached</b> [1] - 46:16	<b>check</b> [3] - 46:11, 46:13, 57:7
<b>articulate</b> [1] - 41:17		<b>Bennett</b> [5] - 33:19, 33:25, 35:21, 37:4, 39:18	<b>boyfriend</b> [1] - 34:14	<b>category</b> [10] - 8:23, 15:20, 15:22, 26:7, 26:9, 26:17, 26:20, 27:2, 28:7, 44:25	<b>cheerleader</b> [1] - 40:5
<b>arts</b> [4] - 42:23, 52:25, 53:1, 53:4		<b>best</b> [1] - 58:13	<b>breaking</b> [1] - 44:11	<b>caused</b> [1] - 40:24	<b>Chesapeake</b> [1] - 44:10
<b>assault</b> [1] - 23:11		<b>better</b> [7] - 27:11, 29:3, 30:10, 32:4, 34:2, 43:11, 46:24	<b>brief</b> [1] - 32:19	<b>CDL</b> [4] - 42:22, 43:2, 53:4, 53:6	<b>chief</b> [2] - 13:13, 14:1
<b>assessment</b> [1] - 57:5		<b>between</b> [6] - 19:24, 23:18, 24:2, 27:9, 32:20, 46:9	<b>briefly</b> [1] - 37:10	<b>center</b> [1] - 25:15	<b>child</b> [6] - 25:14, 37:19, 43:13, 43:18, 49:3
<b>assigned</b> [2] - 26:15, 40:11		<b>best</b> [1] - 58:13	<b>brings</b> [2] - 29:2, 30:2	<b>certain</b> [4] - 13:9, 13:15, 49:21, 50:3	<b>children</b> [10] - 14:11, 14:12, 31:14, 41:19, 41:21, 41:22, 44:16, 48:15, 49:11
<b>assistance</b> [1] - 13:18		<b>beyond</b> [2] - 22:24, 39:9	<b>brother</b> [3] - 22:4, 30:2, 44:19	<b>City</b> [2] - 19:6, 20:4	<b>clear</b> [4] - 25:12, 34:22, 37:9, 45:17
<b>Assistant</b> [1] - 1:14		<b>better</b> [7] - 27:11, 29:3, 30:10, 32:4, 34:2, 43:11, 46:24	<b>brought</b> [2] - 38:13, 49:20	<b>clearly</b> [9] - 5:21,	
<b>associate</b> [1] - 21:6		<b>between</b> [6] - 19:24, 23:18, 24:2, 27:9, 32:20, 46:9	<b>Brown</b> [4] - 20:12, 21:12, 21:24, 22:9		
<b>atmosphere</b> [1] - 18:19		<b>BFG</b> [1] - 21:20	<b>brown</b> [1] - 21:3		
<b>attached</b> [2] - 31:10, 45:11		<b>BGF</b> [6] - 21:5, 21:11, 21:22, 22:10, 24:1, 49:13	<b>brown's</b> [2] - 6:5, 6:6		
<b>attachments</b> [1] - 31:23		<b>big</b> [1] - 47:25	<b>bullets</b> [2] - 22:6, 49:4		
<b>attack</b> [2] - 22:12, 22:25		<b>biggest</b> [1] - 40:5	<b>bullied</b> [1] - 40:18		
<b>attempted</b> [1] - 44:21		<b>bind</b> [1] - 53:9	<b>Bureau</b> [6] - 42:4, 43:1, 47:4, 51:18, 52:10, 53:9		
<b>attention</b> [2] -		<b>biological</b> [2] - 41:1, 41:7			
		<b>bit</b> [3] - 2:5, 42:24, 58:14			
		<b>Black</b> [2] - 20:3, 23:18			
		<b>Blake</b> [6] - 4:16, 5:8, 6:23, 9:1,			

19:7, 25:2, 34:23, 36:8, 37:15, 39:24, 41:16, 48:7 <b>clerk</b> [1] - 13:19 <b>client</b> [4] - 13:2, 32:4, 45:6, 45:13 <b>clients</b> [1] - 44:2 <b>cloak</b> [1] - 19:18 <b>close</b> [2] - 37:6 <b>Coca</b> [1] - 43:20 <b>Coca-Cola</b> [1] - 43:20 <b>cocaine</b> [1] - 5:13 <b>Code</b> [3] - 5:12, 5:14, 50:7 <b>codefendant</b> [2] - 5:19, 56:25 <b>codefendants</b> [4] - 11:10, 17:18, 23:12, 51:14 <b>Cola</b> [1] - 43:20 <b>collection</b> [1] - 54:17 <b>comments</b> [2] - 31:17, 32:3 <b>commercial</b> [3] - 42:22, 52:19, 53:4 <b>Commission</b> [6] - 13:10, 13:15, 13:23, 13:24, 14:3, 14:19 <b>commit</b> [4] - 20:22, 20:24, 25:6, 54:7 <b>commitment</b> [4] - 13:16, 43:7, 52:9, 57:15 <b>committed</b> [2] - 29:17, 37:7 <b>common</b> [1] - 39:2 <b>communicate</b> [2] - 55:21, 56:14 <b>communication</b> <b>s</b> [2] - 33:5, 33:9 <b>community</b> [2] - 48:23, 49:25 <b>Company</b> [1] - 43:20 <b>company</b> [1] - 46:10 <b>comparable</b> [3] - 50:9, 50:11, 51:13 <b>compare</b> [1] - 44:20 <b>comparing</b> [1] -	50:18 <b>comparison</b> [2] - 28:8, 28:10 <b>competent</b> [1] - 13:2 <b>complied</b> [1] - 15:4 <b>comply</b> [1] - 54:22 <b>component</b> [1] - 37:1 <b>Computer</b> [1] - 1:25 <b>Computer-aided</b> [1] - 1:25 <b>concerned</b> [1] - 28:15 <b>concerning</b> [2] - 45:17, 48:5 <b>concluded</b> [1] - 58:25 <b>concurrent</b> [2] - 51:19, 54:3 <b>condition</b> [1] - 55:17 <b>conditions</b> [11] - 54:6, 54:7, 54:21, 54:22, 56:12, 56:13, 56:25, 57:1, 57:2 <b>conduct</b> [5] - 18:7, 18:20, 27:25, 30:6, 30:15 <b>conducted</b> [1] - 9:23 <b>Conference</b> [1] - 48:3 <b>conference</b> [1] - 48:5 <b>confidential</b> [4] - 14:10, 14:13, 14:15, 56:5 <b>confronted</b> [1] - 28:16 <b>connection</b> [2] - 11:7, 15:12 <b>consider</b> [8] - 23:16, 35:3, 35:9, 39:13, 40:9, 42:3, 43:22, 44:22 <b>consideration</b> [1] - 11:22 <b>considered</b> [3] - 11:5, 11:12, 39:11 <b>considers</b> [1] - 18:19	<b>consistent</b> [1] - 15:7 <b>conspiracy</b> [6] - 5:10, 5:13, 15:11, 18:10, 19:8, 36:23 <b>constantly</b> [1] - 24:8 <b>constitutional</b> [2] - 10:17, 10:19 <b>constitutionality</b> [2] - 10:7, 10:11 <b>consult</b> [1] - 10:24 <b>contained</b> [1] - 16:20 <b>containing</b> [1] - 14:15 <b>contains</b> [2] - 14:9, 14:10 <b>context</b> [3] - 10:22, 28:1, 48:9 <b>continuing</b> [1] - 24:13 <b>contraband</b> [1] - 9:17 <b>controlled</b> [2] - 54:9, 54:12 <b>conversation</b> [1] - 37:10 <b>conversations</b> [1] - 27:25 <b>conviction</b> [1] - 46:5 <b>convictions</b> [1] - 23:11 <b>convinced</b> [1] - 45:19 <b>cooking</b> [2] - 53:4, 53:5 <b>cooperate</b> [1] - 54:16 <b>cooperating</b> [1] - 48:5 <b>copied</b> [1] - 28:20 <b>copy</b> [1] - 13:21 <b>corner</b> [3] - 24:4, 48:13, 48:14 <b>corners</b> [1] - 32:23 <b>correct</b> [21] - 3:22, 4:10, 5:15, 6:5, 8:14, 8:20, 9:6, 9:9, 12:12, 19:4, 22:22, 27:17, 27:22, 30:18, 31:4, 34:25, 35:4, 39:24, 43:4,	58:5, 59:6 <b>corrections</b> [3] - 8:13, 8:17, 8:19 <b>Cortez</b> [3] - 24:16, 24:17, 24:19 <b>counsel</b> [10] - 2:25, 3:2, 3:22, 12:3, 31:8, 44:19, 50:7, 50:8 <b>counsel's</b> [1] - 50:17 <b>count</b> [1] - 57:6 <b>Count</b> [9] - 19:7, 27:3, 45:14, 51:18, 51:19, 54:2, 54:3 <b>Counts</b> [1] - 5:8 <b>counts</b> [2] - 5:9, 5:16 <b>County</b> [1] - 25:14 <b>couple</b> [2] - 29:2, 34:6 <b>course</b> [3] - 42:5, 45:8, 49:16 <b>COURT</b> [98] - 1:1, 2:3, 3:6, 3:10, 3:12, 3:14, 3:19, 3:21, 3:24, 4:3, 4:5, 4:12, 4:25, 5:6, 5:18, 6:4, 6:8, 6:11, 7:4, 7:9, 7:20, 8:1, 8:7, 8:10, 8:13, 8:16, 8:18, 8:22, 9:9, 9:11, 9:19, 12:14, 12:16, 12:19, 12:23, 13:1, 13:4, 14:24, 16:9, 16:12, 17:17, 18:3, 18:23, 19:1, 19:5, 20:9, 20:22, 21:18, 22:19, 26:1, 27:7, 27:16, 27:21, 28:23, 29:4, 30:16, 30:25, 31:5, 31:24, 32:5, 32:24, 33:4, 33:10, 33:14, 33:17, 34:1, 34:22, 35:2, 35:7, 39:21, 39:23, 40:10, 41:1, 41:11, 41:14, 42:6, 42:12, 42:17, 42:21, 44:24,	45:10, 45:13, 46:1, 46:4, 47:5, 47:10, 47:14, 47:20, 48:7, 49:16, 53:3, 53:13, 54:16, 57:24, 58:2, 58:8, 58:13, 58:24 <b>Court</b> [47] - 2:13, 6:9, 6:24, 7:4, 10:1, 10:5, 10:6, 10:11, 10:15, 10:23, 11:4, 11:14, 11:17, 12:4, 16:7, 16:15, 17:8, 22:24, 23:16, 23:20, 23:25, 24:16, 25:18, 27:6, 27:14, 27:23, 28:2, 29:22, 30:14, 31:2, 35:3, 39:10, 39:12, 40:9, 41:19, 42:3, 45:18, 46:22, 47:23, 48:4, 48:9, 49:17, 54:19, 56:6, 57:19, 58:24, 59:10 <b>court</b> [27] - 3:22, 3:24, 4:22, 9:20, 10:2, 13:13, 13:19, 14:1, 14:7, 14:17, 14:18, 18:21, 19:15, 19:22, 20:17, 22:10, 22:13, 22:18, 23:6, 28:15, 32:6, 39:7, 41:3, 48:16, 48:19, 49:18, 49:20 <b>court-appointed</b> [1] - 3:22 <b>courthouse</b> [4] - 2:14, 2:19, 19:12, 50:1 <b>Courtroom</b> [1] - 1:9 <b>courtroom</b> [7] - 2:16, 2:19, 2:25, 19:11, 20:10, 39:19, 48:13 <b>Courts</b> [1] - 11:1 <b>courts</b> [6] - 10:3, 13:8, 13:11, 13:12	<b>cousin</b> [1] - 24:19 <b>cousins</b> [2] - 4:20, 31:15 <b>crack</b> [1] - 5:13 <b>credible</b> [2] - 15:14, 18:13 <b>credit</b> [5] - 7:15, 30:10, 51:23, 51:24, 52:3 <b>crime</b> [1] - 54:8 <b>crimes</b> [1] - 11:7 <b>criminal</b> [8] - 2:9, 6:15, 13:8, 15:17, 19:15, 29:7, 46:18, 55:22 <b>Criminal</b> [1] - 6:14 <b>CRIMINAL</b> [1] - 1:4 <b>criminalistic</b> [8] - 8:23, 15:20, 15:22, 26:7, 26:9, 26:17, 26:20, 27:1 <b>Crip</b> [4] - 24:3, 25:4, 44:15, 56:15 <b>Crips</b> [19] - 11:8, 19:24, 20:2, 21:5, 21:6, 21:17, 21:18, 23:18, 24:2, 24:7, 24:13, 24:18, 24:23, 27:10, 28:13, 37:24, 39:24, 49:12, 54:1 <b>criticizing</b> [1] - 35:7 <b>cross</b> [1] - 23:8 <b>cross-examine</b> [1] - 23:8 <b>culinary</b> [4] - 42:23, 52:25, 53:1, 53:4 <b>culpability</b> [12] - 17:16, 25:3, 25:21, 28:14, 29:20, 30:22, 45:2, 45:7, 50:11, 50:15, 51:3 <b>culpable</b> [2] - 29:23, 50:16 <b>culture</b> [1] - 49:7 <b>Cumberland</b> [2] - 53:19, 53:22 <b>Curtis</b> [1] - 25:8 <b>custody</b> [5] - 7:14, 7:16,
--	--	---	---	--	---

51:17, 51:24, 51:25 <b>cycle</b> [1] - 21:7	31:13 <b>defendants</b> [9] - 2:10, 2:12, 4:17, 7:10, 17:15, 18:21, 25:21, 29:2, 53:17 <b>defense</b> [8] - 8:18, 8:20, 9:9, 16:25, 31:7, 50:7, 58:11 <b>defining</b> [1] - 50:14 <b>definitely</b> [2] - 27:16, 42:6 <b>deletion</b> [2] - 10:12, 10:16 <b>deny</b> [1] - 37:17 <b>deposit</b> [1] - 46:13 <b>depression</b> [2] - 40:24, 42:2 <b>depth</b> [1] - 29:1 <b>deputy</b> [1] - 13:18 <b>described</b> [1] - 35:14 <b>designation</b> [1] - 53:8 <b>desire</b> [3] - 12:5, 47:7, 57:22 <b>destructive</b> [1] - 56:3 <b>detail</b> [2] - 25:17, 35:14 <b>deter</b> [1] - 44:4 <b>determine</b> [1] - 47:16 <b>determining</b> [1] - 37:22 <b>deterred</b> [1] - 44:3 <b>deterrence</b> [3] - 43:25, 44:1, 44:5 <b>device</b> [1] - 56:3 <b>Devin</b> [1] - 58:4 <b>dictates</b> [1] - 47:2 <b>died</b> [3] - 23:3, 34:9, 39:18 <b>difference</b> [2] - 30:7, 32:9 <b>different</b> [1] - 48:15 <b>differentiate</b> [1] - 45:21 <b>dime</b> [1] - 19:24 <b>directed</b> [1] - 54:17 <b>directing</b> [1] - 14:2 <b>directly</b> [3] - 34:4, 51:5, 52:9	<b>disability</b> [1] - 16:14 <b>disagree</b> [1] - 43:3 <b>discretion</b> [1] - 2:15 <b>discussed</b> [4] - 8:8, 37:7, 46:9, 57:21 <b>discussing</b> [2] - 4:18, 6:20 <b>discussion</b> [1] - 20:21 <b>discussions</b> [1] - 28:20 <b>disguise</b> [1] - 41:21 <b>disparities</b> [1] - 51:11 <b>dispute</b> [7] - 7:13, 7:17, 11:21, 15:6, 15:25, 20:3, 49:14 <b>distance</b> [2] - 37:14, 49:25 <b>distribution</b> [1] - 5:13 <b>district</b> [2] - 54:25, 55:4 <b>DISTRICT</b> [2] - 1:1, 1:1 <b>DIVISION</b> [1] - 1:2 <b>Dix</b> [1] - 53:14 <b>DNA</b> [1] - 54:17 <b>documents</b> [7] - 13:9, 13:15, 13:16, 14:3, 14:5, 16:24, 17:1 <b>Donald</b> [1] - 28:10 <b>done</b> [6] - 22:6, 22:13, 35:16, 44:12, 44:15, 51:10 <b>Donell</b> [1] - 17:20 <b>dotes</b> [1] - 41:22 <b>doubt</b> [6] - 22:24, 37:8, 39:9, 39:14, 44:16, 48:22 <b>down</b> [13] - 2:20, 2:23, 3:14, 4:5, 4:13, 15:15, 38:19, 43:5, 43:9, 44:11, 49:3, 58:20 <b>drive</b> [3] - 45:12, 53:20 <b>driven</b> [3] - 18:16, 19:5, 30:9	<b>driver</b> [3] - 46:8, 46:9 <b>driver's</b> [3] - 42:22, 52:19, 53:4 <b>driving</b> [1] - 38:9 <b>dropped</b> [1] - 41:11 <b>drove</b> [9] - 19:23, 24:22, 25:5, 25:9, 28:14, 29:10, 29:11, 29:12, 29:13 <b>drug</b> [14] - 15:11, 18:8, 18:22, 19:3, 19:5, 19:13, 23:3, 27:12, 30:11, 37:3, 42:12, 52:15, 54:12 <b>drugs</b> [8] - 18:16, 19:6, 19:8, 21:6, 27:20, 36:20, 36:22, 37:2 <b>Duane</b> [3] - 4:19, 31:12, 41:1 <b>during</b> [4] - 22:7, 35:22, 36:9, 47:12 <b>dying</b> [1] - 39:19	<b>encourage</b> [1] - 16:7 <b>end</b> [7] - 17:9, 19:16, 23:2, 25:19, 26:11, 26:25, 30:23 <b>endangering</b> [1] - 49:24 <b>enforcement</b> [4] - 23:15, 55:23, 55:25, 56:4 <b>engaged</b> [2] - 19:24, 55:22 <b>ensure</b> [1] - 13:14 <b>entered</b> [1] - 19:13 <b>enterprises</b> [1] - 5:11 <b>enters</b> [1] - 42:4 <b>entertain</b> [1] - 31:17 <b>entire</b> [1] - 53:18 <b>entitled</b> [1] - 59:6 <b>entry</b> [1] - 57:14 <b>error</b> [1] - 26:22 <b>ESQUIRE</b> [2] - 1:14, 1:17 <b>essentially</b> [14] - 2:22, 5:10, 6:21, 6:22, 7:20, 7:21, 15:9, 15:18, 26:6, 50:20, 51:20, 51:21, 52:1, 53:16 <b>ETG</b> [4] - 23:18, 27:10, 37:24, 56:15 <b>evaluated</b> [1] - 42:4 <b>event</b> [1] - 25:15 <b>Evidence</b> [2] - 34:23, 34:24 <b>evidence</b> [11] - 25:4, 28:6, 28:16, 28:24, 29:9, 29:16, 29:18, 32:10, 39:9, 45:17, 51:5 <b>evidently</b> [1] - 45:16 <b>exact</b> [1] - 27:3 <b>exactly</b> [6] - 6:19, 8:25, 15:23, 35:1, 49:16, 50:14 <b>examine</b> [1] - 23:8 <b>examined</b> [1] - 35:19 <b>example</b> [3] -	14:11, 45:4, 56:25 <b>except</b> [1] - 46:20 <b>exception</b> [1] - 2:15 <b>exchange</b> [3] - 22:1, 22:12, 22:16 <b>exchanges</b> [1] - 32:20 <b>Exhibit</b> [4] - 9:3, 16:16, 22:20, 57:11 <b>exhibit</b> [2] - 15:8, 16:15 <b>existed</b> [1] - 37:15 <b>expect</b> [1] - 36:15 <b>expecting</b> [2] - 57:7, 58:17 <b>expiration</b> [1] - 49:2 <b>explain</b> [1] - 46:6 <b>explained</b> [1] - 24:3 <b>extent</b> [4] - 5:1, 15:3, 46:16, 50:24 <b>extraordinary</b> [1] - 49:20 <b>extreme</b> [1] - 40:24 <b>extremely</b> [1] - 46:19 <b>eyewitness</b> [1] - 35:25
					<b>F</b>
					<b>facility</b> [1] - 53:17 <b>fact</b> [14] - 12:19, 16:13, 20:22, 22:24, 23:3, 27:4, 31:20, 33:14, 35:6, 35:17, 44:14, 44:23, 47:1, 51:8 <b>factor</b> [5] - 9:19, 12:1, 45:23, 48:17, 54:14 <b>factors</b> [11] - 11:5, 11:12, 11:22, 17:14, 19:21, 19:23, 19:25, 43:21, 50:6, 51:11, 51:14 <b>facts</b> [1] - 19:19 <b>factual</b> [2] - 18:18, 27:24 <b>Fairton</b> [2] -



53:14, 53:16 <b>fall</b> [1] - 50:25 <b>familiar</b> [2] - 4:17, 7:10 <b>Family</b> [1] - 23:18 <b>family</b> [10] - 14:10, 20:3, 21:20, 40:4, 48:10, 48:11, 48:18, 48:23, 51:9, 58:15 <b>far</b> [5] - 2:7, 18:22, 33:24, 37:14, 45:6 <b>fast</b> [1] - 23:23 <b>father</b> [7] - 4:19, 31:12, 40:22, 41:1, 41:7, 41:22, 43:9 <b>fault</b> [1] - 46:8 <b>favor</b> [2] - 51:8, 51:9 <b>FBI</b> [1] - 3:9 <b>FCI</b> [2] - 53:19, 53:22 <b>February</b> [1] - 58:7 <b>Federal</b> [7] - 6:14, 10:12, 10:16, 10:20, 34:23, 57:16 <b>federal</b> [21] - 6:19, 7:14, 7:15, 9:20, 10:2, 10:3, 10:7, 10:23, 11:17, 13:8, 13:11, 13:13, 49:18, 49:20, 51:24, 51:25, 54:7, 54:24, 55:4 <b>fellow</b> [1] - 22:9 <b>felt</b> [1] - 57:13 <b>few</b> [6] - 5:24, 8:24, 16:1, 24:13, 33:8, 36:3 <b>fiancée</b> [4] - 4:20, 31:13, 41:20, 44:16 <b>figure</b> [2] - 36:23, 58:9 <b>file</b> [4] - 31:22, 35:5, 57:20, 57:22 <b>filed</b> [3] - 5:23, 16:19, 31:10 <b>finally</b> [1] - 17:14 <b>fine</b> [10] - 4:25, 18:3, 27:7, 31:3, 31:24, 31:25,	47:14, 57:3, 57:4 <b>Finney</b> [2] - 24:4, 24:17 <b>Finney's</b> [1] - 24:10 <b>fire</b> [3] - 22:5, 37:6 <b>firearm</b> [3] - 15:12, 24:24, 56:3 <b>fired</b> [2] - 22:2, 22:4 <b>first</b> [8] - 11:20, 12:2, 15:5, 16:2, 34:8, 47:21, 55:5, 56:15 <b>firsthand</b> [1] - 35:16 <b>fit</b> [1] - 49:2 <b>fits</b> [1] - 17:25 <b>five</b> [7] - 8:9, 27:3, 45:9, 45:13, 52:3, 54:2, 54:4 <b>flying</b> [1] - 49:4 <b>focus</b> [3] - 17:19, 42:25, 43:1 <b>focused</b> [2] - 45:5, 45:6 <b>foggiest</b> [1] - 44:5 <b>folks</b> [1] - 47:12 <b>follow</b> [1] - 56:10 <b>following</b> [3] - 24:6, 24:25, 56:13 <b>follows</b> [1] - 54:22 <b>foot</b> [1] - 16:13 <b>football</b> [1] - 40:21 <b>FOR</b> [1] - 1:1 <b>force</b> [1] - 33:22 <b>foregoing</b> [1] - 59:6 <b>foremost</b> [1] - 47:21 <b>foreseeable</b> [4] - 20:20, 23:19, 25:2, 37:17 <b>forfeited</b> [1] - 9:18 <b>forfeiture</b> [4] - 9:13, 9:14, 9:15, 9:19 <b>Fort</b> [1] - 53:14 <b>forth</b> [1] - 21:7 <b>forward</b> [1] - 14:3 <b>forwarding</b> [1] - 23:23 <b>Foster</b> [7] - 17:20, 26:1, 26:2, 26:16, 28:10,	44:25, 53:15 <b>foster</b> [6] - 25:23, 26:12, 28:11, 28:15, 46:25, 51:1 <b>four</b> [10] - 8:9, 14:11, 14:12, 17:18, 31:14, 40:16, 45:5, 48:14, 48:15 <b>fourth</b> [1] - 56:21 <b>Francisco</b> [1] - 3:8 <b>FRANCISCO</b> [1] - 1:20 <b>fraught</b> [1] - 18:24 <b>free</b> [2] - 4:6, 5:2 <b>frequently</b> [1] - 55:3 <b>friends</b> [2] - 4:21, 31:15 <b>front</b> [1] - 29:13 <b>frustrating</b> [4] - 49:8, 49:17, 50:4 <b>fulfill</b> [1] - 47:2 <b>full</b> [3] - 55:16, 55:17, 55:18 <b>full-time</b> [3] - 55:16, 55:17, 55:18 <b>fully</b> [8] - 2:21, 2:23, 3:5, 3:12, 3:19, 4:3, 4:9, 39:10 <b>funny</b> [1] - 36:21	<b>G</b> <b>Gall</b> [1] - 11:15 <b>games</b> [1] - 40:21 <b>Gang</b> [1] - 56:15 <b>gang</b> [19] - 11:8, 18:24, 20:7, 21:15, 21:18, 23:13, 24:22, 25:1, 25:6, 25:9, 27:11, 27:13, 27:20, 37:3, 39:21, 39:24, 41:25, 49:12, 54:1 <b>gang's</b> [1] - 20:20 <b>gangster</b> [1] - 19:23 <b>Gangster</b> [2] - 20:2, 21:17 <b>gap</b> [1] - 43:13 <b>garner</b> [2] - 8:4, 10:10	<b>GARNER</b> [2] - 1:21, 4:11 <b>Garner</b> [1] - 4:9 <b>garner's</b> [1] - 14:2 <b>gas</b> [1] - 24:4 <b>GC</b> [1] - 36:16 <b>GED</b> [3] - 41:12, 41:14, 52:5 <b>general</b> [2] - 6:22, 44:5 <b>generous</b> [1] - 25:19 <b>Gerald</b> [1] - 3:17 <b>GERALD</b> [1] - 1:17 <b>girlfriend</b> [1] - 23:12 <b>given</b> [6] - 17:17, 19:19, 39:5, 40:11, 45:20, 51:23 <b>glad</b> [2] - 17:3, 31:25 <b>goal</b> [1] - 11:23 <b>goals</b> [1] - 11:24 <b>God</b> [1] - 47:22 <b>gonna</b> [1] - 39:17 <b>government</b> [5] - 5:25, 8:17, 15:8, 16:2, 16:3 <b>Government</b> [24] - 3:5, 5:3, 7:6, 7:18, 8:14, 9:3, 9:5, 9:6, 12:3, 12:5, 16:6, 16:15, 22:20, 32:14, 32:17, 35:11, 36:11, 44:22, 45:5, 50:7, 50:17, 57:10, 57:12, 57:25 <b>Government's</b> [3] - 17:5, 30:24, 37:20 <b>grade</b> [1] - 41:11 <b>grain</b> [1] - 34:19 <b>grains</b> [1] - 32:13 <b>grand</b> [14] - 16:20, 16:21, 16:24, 17:2, 25:6, 34:8, 34:20, 35:11, 36:6, 36:7, 36:9, 37:19, 38:15, 39:4 <b>great</b> [4] - 30:20, 35:14, 37:14, 47:12 <b>greater</b> [2] - 11:24, 47:2	<b>Greenwood</b> [11] - 20:16, 22:16, 23:21, 28:5, 28:16, 29:25, 30:5, 35:12, 35:17, 35:20, 36:2 <b>Greenwood-Owens</b> [1] - 29:25 <b>grew</b> [1] - 40:4 <b>group</b> [7] - 20:3, 21:12, 25:8, 26:14, 37:24, 38:5, 53:18 <b>groups</b> [1] - 21:21 <b>guarantee</b> [2] - 52:20, 55:18 <b>guerilla</b> [1] - 20:3 <b>Guerilla</b> [1] - 23:18 <b>guess</b> [3] - 38:6, 38:8, 38:17 <b>guideline</b> [10] - 6:19, 8:22, 11:18, 11:21, 12:2, 15:6, 15:10, 15:22, 15:24, 18:11 <b>guidelines</b> [17] - 10:8, 10:13, 10:14, 10:24, 11:23, 17:13, 18:4, 18:6, 18:9, 18:15, 19:16, 25:19, 29:7, 30:9, 30:11, 30:12 <b>Guidelines</b> [3] - 10:12, 10:17, 10:20 <b>guilty</b> [14] - 2:11, 5:7, 5:10, 6:13, 6:23, 7:1, 9:3, 15:9, 18:8, 18:14, 19:13, 19:19, 26:14, 48:4 <b>gun</b> [4] - 18:12, 38:8, 38:9, 39:2 <b>guns</b> [6] - 28:11, 28:22, 38:5, 38:13 <b>Gurevich</b> [7] - 13:18, 16:12, 51:15, 52:9, 53:3, 55:15, 56:24 <b>guy</b> [4] - 27:12, 37:3, 46:11,	46:12 <b>guys</b> [1] - 40:18 <b>H</b> <b>half</b> [3] - 6:21, 7:6, 7:22 <b>Hall</b> [13] - 21:15, 21:21, 22:1, 22:8, 24:9, 25:1, 28:21, 28:22, 33:9, 33:14, 34:3, 37:10, 38:4 <b>hall</b> [6] - 5:19, 21:2, 21:11, 21:15, 33:21, 45:4 <b>hall's</b> [2] - 20:6, 48:21 <b>handed</b> [1] - 38:13 <b>handled</b> [2] - 4:17, 43:15 <b>hang</b> [1] - 32:22 <b>hanging</b> [2] - 34:3, 40:19 <b>hangs</b> [1] - 40:1 <b>hard</b> [1] - 39:25 <b>haul</b> [1] - 38:11 <b>health</b> [3] - 42:6, 52:12, 56:19 <b>hear</b> [7] - 12:2, 12:5, 17:3, 17:24, 17:25, 31:25, 36:11 <b>heard</b> [2] - 34:16, 35:15 <b>HEARING</b> [1] - 1:10 <b>hearsay</b> [1] - 34:17 <b>heart</b> [6] - 40:8, 40:9, 40:12, 44:6, 52:8, 52:10 <b>hearts</b> [1] - 44:6 <b>held</b> [2] - 43:9, 59:6 <b>helped</b> [1] - 45:11 <b>helpful</b> [1] - 42:25 <b>hereby</b> [2] - 14:16, 59:5 <b>heroin</b> [3] - 5:13, 27:12, 27:21 <b>hesitation</b> [1] - 46:22 <b>hickman</b> [4] - 18:2, 21:10, 22:4, 23:5
---	--	---	--	--	--	---



<b>Hickman</b> [8] - 21:23, 30:2, 30:13, 30:16, 32:4, 32:10, 50:19 <b>hickman's</b> [1] - 30:8 <b>high</b> [7] - 12:11, 17:9, 25:19, 26:25, 30:23, 32:7, 46:23 <b>high-end</b> [4] - 17:9, 25:19, 26:25, 30:23 <b>highest</b> [1] - 15:21 <b>highly</b> [1] - 32:5 <b>Hilton</b> [2] - 24:5, 24:7 <b>himself</b> [4] - 19:18, 22:11, 34:16, 37:16 <b>hire</b> [1] - 43:16 <b>history</b> [6] - 11:6, 15:17, 19:15, 29:7, 39:16, 46:18 <b>hole</b> [1] - 40:8 <b>honestly</b> [1] - 44:6 <b>Honor</b> [61] - 3:11, 3:13, 3:17, 4:2, 4:11, 4:24, 5:5, 5:17, 7:19, 8:21, 9:8, 9:17, 17:7, 18:1, 18:5, 18:18, 18:19, 19:10, 20:5, 20:25, 22:15, 22:22, 23:17, 25:18, 25:23, 30:6, 30:18, 31:22, 32:2, 32:8, 32:12, 32:15, 33:7, 34:6, 34:12, 35:12, 36:20, 37:18, 39:16, 39:25, 40:14, 41:5, 41:19, 42:1, 42:2, 42:11, 43:3, 43:12, 43:21, 44:10, 44:19, 45:8, 46:18, 47:2, 47:11, 53:2, 54:15, 58:1, 58:5, 58:12 <b>HONORABLE</b> [1]	- 1:11 <b>hope</b> [1] - 40:14 <b>hopeful</b> [1] - 55:19 <b>hopefully</b> [1] - 48:14 <b>horrific</b> [2] - 25:14, 41:10 <b>hours</b> [2] - 54:25, 56:1 <b>house</b> [1] - 40:15 <b>Housing</b> [2] - 20:18, 22:11 <b>huge</b> [1] - 34:19 <b>hung</b> [1] - 33:22 <b>hurt</b> [3] - 37:16, 39:20, 47:24 <b>I</b> <b>idea</b> [3] - 25:18, 35:16, 44:5 <b>identical</b> [1] - 27:1 <b>identify</b> [2] - 3:2, 35:23 <b>ignore</b> [1] - 23:9 <b>ignored</b> [1] - 41:24 <b>Ill</b> [3] - 26:9, 26:17, 26:20 <b>immediately</b> [1] - 13:17 <b>impact</b> [6] - 5:22, 12:6, 16:3, 16:12, 20:17, 22:20 <b>impacts</b> [1] - 49:10 <b>impatient</b> [1] - 22:1 <b>importance</b> [1] - 41:23 <b>important</b> [6] - 35:24, 36:1, 37:1, 38:22, 46:19 <b>impose</b> [2] - 11:23, 57:3 <b>imposed</b> [6] - 11:8, 11:10, 11:11, 13:21, 17:5, 50:6 <b>imposing</b> [2] - 10:25, 13:8 <b>imposition</b> [1] - 13:14 <b>imprisonment</b> [2] - 17:10, 55:1 <b>IN</b> [1] - 1:1	<b>incarcerated</b> [2] - 41:15, 52:6 <b>incarceration</b> [3] - 7:1, 26:3, 51:20 <b>incident</b> [4] - 20:13, 23:6, 23:24, 25:2 <b>inclined</b> [6] - 6:25, 7:5, 43:1, 53:17, 53:19, 55:10 <b>include</b> [4] - 11:5, 13:16, 42:14, 48:4 <b>included</b> [2] - 21:12, 52:15 <b>includes</b> [1] - 16:23 <b>including</b> [1] - 48:23 <b>indeed</b> [3] - 16:23, 20:6, 23:19 <b>indicate</b> [1] - 49:2 <b>indicated</b> [5] - 34:13, 37:20, 38:1, 42:18, 57:11 <b>indication</b> [2] - 37:11, 38:9 <b>indict</b> [1] - 36:25 <b>indicted</b> [1] - 2:10 <b>indictment</b> [3] - 5:9, 5:16, 13:22 <b>individuals</b> [11] - 5:1, 11:9, 17:1, 26:12, 31:1, 33:22, 34:4, 44:13, 50:9, 50:12 <b>information</b> [10] - 13:23, 13:24, 14:10, 14:12, 14:15, 28:3, 34:13, 36:11, 39:7, 56:5 <b>injured</b> [2] - 35:13, 44:13 <b>injury</b> [1] - 16:14 <b>innate</b> [1] - 41:17 <b>inquire</b> [1] - 2:25 <b>instability</b> [1] - 48:17 <b>Instagram</b> [2] - 21:14, 28:21 <b>instance</b> [1] - 36:13 <b>instructions</b> [3] - 55:3, 56:8,	56:11 <b>insurance</b> [1] - 46:10 <b>intellect</b> [1] - 44:7 <b>interact</b> [2] - 55:21, 56:14 <b>interaction</b> [2] - 55:24, 56:1 <b>interest</b> [1] - 43:6 <b>interested</b> [1] - 17:24 <b>interestingly</b> [1] - 33:8 <b>interpret</b> [1] - 32:15 <b>intimidating</b> [1] - 28:12 <b>introduced</b> [3] - 9:3, 15:8, 57:10 <b>investigation</b> [2] - 8:4, 14:15 <b>investigator</b> [1] - 40:6 <b>involved</b> [24] - 19:7, 19:9, 20:20, 25:16, 27:19, 28:4, 28:12, 28:23, 28:25, 29:4, 29:25, 30:4, 32:25, 33:4, 33:5, 34:4, 38:23, 40:20, 45:3, 48:8, 48:20, 51:5, 51:6 <b>involvement</b> [6] - 11:8, 27:10, 28:7, 28:16, 46:17, 50:24 <b>involves</b> [1] - 19:7 <b>issue</b> [7] - 9:15, 19:3, 35:8, 43:5, 44:19, 52:8, 54:18 <b>issued</b> [2] - 10:5, 14:1 <b>issues</b> [2] - 43:23, 52:11 <b>it'll</b> [2] - 49:6, 57:6 <b>itself</b> [2] - 2:19, 35:6 <b>J</b> <b>Jackson</b> [14] - 17:21, 25:24, 26:2, 26:8, 27:6, 27:8, 27:15, 28:2, 28:4, 28:8,	44:25, 46:25, 51:2, 56:25 <b>Jackson's</b> [1] - 27:9 <b>jail</b> [3] - 45:25, 46:14, 46:20 <b>January</b> [2] - 10:4, 10:19 <b>Jersey</b> [2] - 53:14, 53:15 <b>job</b> [5] - 43:10, 43:11, 43:12, 43:15, 43:16 <b>jobs</b> [2] - 43:2, 43:8 <b>Johnson</b> [19] - 4:21, 17:21, 21:12, 21:24, 23:12, 25:24, 26:3, 26:19, 28:19, 28:25, 31:16, 34:14, 34:15, 34:16, 45:1, 46:25, 50:25, 53:16 <b>jomaa</b> [1] - 21:19 <b>judge</b> [4] - 2:15, 13:13, 14:1, 14:16 <b>Judge</b> [37] - 1:11, 4:16, 5:8, 6:23, 9:1, 26:13, 33:8, 33:19, 33:25, 34:15, 35:5, 35:10, 35:21, 36:3, 36:6, 36:17, 37:4, 37:12, 37:14, 37:24, 38:4, 38:22, 39:14, 39:18, 40:3, 41:4, 41:16, 42:8, 42:18, 43:8, 44:4, 45:15, 45:24, 46:5, 46:24, 53:12, 57:11 <b>judges</b> [2] - 10:23, 11:18 <b>judges'</b> [1] - 2:4 <b>judgment</b> [6] - 13:16, 33:22, 43:7, 45:12, 52:9, 57:14 <b>judicial</b> [1] - 54:25 <b>July</b> [4] - 20:11, 23:3, 24:5, 24:12 <b>jump</b> [1] - 38:12 <b>June</b> [5] - 15:8,	20:15, 22:16, 23:6, 30:15 <b>jury</b> [14] - 16:21, 16:24, 17:2, 25:6, 34:8, 34:20, 35:11, 36:6, 36:7, 36:9, 37:19, 38:15, 39:4 <b>justify</b> [1] - 48:11 <b>K</b> <b>Kassandra</b> [2] - 59:5, 59:10 <b>keep</b> [4] - 2:3, 2:24, 22:3, 47:20 <b>Keith</b> [4] - 17:22, 26:4, 29:4, 29:23 <b>key</b> [5] - 9:25, 11:13, 37:20, 37:21, 39:3 <b>kid</b> [2] - 40:16, 41:10 <b>kids</b> [2] - 49:22 <b>killed</b> [5] - 20:11, 24:11, 24:17, 37:16, 44:13 <b>killing</b> [2] - 49:22 <b>kind</b> [10] - 14:12, 15:14, 15:17, 36:23, 39:6, 40:2, 40:18, 43:17, 44:17, 56:16 <b>kinds</b> [1] - 38:24 <b>knowingly</b> [1] - 55:4 <b>knowledge</b> [1] - 31:19 <b>known</b> [1] - 37:15 <b>knows</b> [6] - 18:5, 23:25, 24:16, 42:1, 44:13, 44:14 <b>Kyiv</b> [1] - 50:2 <b>L</b> <b>lack</b> [2] - 27:11, 35:4 <b>lady</b> [1] - 34:9 <b>large</b> [3] - 32:12, 32:21, 37:24 <b>last</b> [5] - 10:1, 11:14, 12:16, 16:20, 44:10 <b>lastly</b> [1] - 26:24
---	---	---	--	--	--

<p><b>late</b> [1] - 21:10  <b>law</b> [5] - 13:6, 43:25, 55:23, 55:25, 56:4  <b>laws</b> [1] - 23:15  <b>lawsuits</b> [1] - 35:6  <b>lawyer</b> [1] - 30:8  <b>layers</b> [1] - 34:17  <b>lead</b> [2] - 36:8, 40:15  <b>leader</b> [2] - 21:15, 24:25  <b>leading</b> [1] - 36:10  <b>learned</b> [1] - 18:20  <b>least</b> [3] - 30:15, 38:23, 55:11  <b>leave</b> [2] - 43:10, 55:4  <b>left</b> [4] - 30:8, 30:12, 38:2, 43:16  <b>lengthy</b> [1] - 42:10  <b>less</b> [3] - 7:5, 52:2  <b>letter</b> [4] - 10:8, 15:7, 22:20, 41:2  <b>letters</b> [7] - 4:18, 12:7, 31:12, 31:13, 31:14, 31:19, 47:10  <b>level</b> [17] - 8:23, 15:10, 15:11, 15:13, 15:15, 15:16, 15:21, 18:11, 26:7, 26:9, 26:17, 26:20, 26:23, 27:1, 32:7  <b>levels</b> [1] - 49:21  <b>Lexington</b> [3] - 20:4, 20:18, 22:10  <b>liability</b> [1] - 50:11  <b>license</b> [8] - 29:14, 29:15, 42:22, 42:23, 43:2, 52:19, 53:4, 53:6  <b>life</b> [5] - 37:18, 41:18, 42:20, 45:24, 48:13  <b>light</b> [1] - 53:21  <b>likely</b> [1] - 44:17  <b>linked</b> [1] - 32:25  <b>list</b> [2] - 42:19, 52:24  <b>listens</b> [1] - 33:12</p>	<p><b>live</b> [1] - 55:9  <b>local</b> [1] - 54:8  <b>look</b> [7] - 14:17, 14:20, 43:23, 50:8, 56:24, 58:15, 58:16  <b>looked</b> [2] - 14:16, 58:15  <b>looking</b> [4] - 26:1, 32:23, 50:13, 51:10  <b>love</b> [1] - 48:2  <b>loving</b> [1] - 40:4  <b>low</b> [2] - 19:14, 19:16  <b>low-end</b> [1] - 19:16  <b>lower</b> [1] - 15:20  <b>lowest</b> [2] - 15:20, 47:3  <b>LPR</b> [1] - 29:15  <b>luck</b> [1] - 58:13</p> <p style="text-align: center;"><b>M</b></p> <p><b>magic</b> [1] - 50:14  <b>man</b> [5] - 32:21, 39:13, 43:8, 44:3, 45:24  <b>mandate</b> [1] - 55:17  <b>mandated</b> [1] - 15:4  <b>mandatory</b> [10] - 10:14, 10:17, 27:2, 36:24, 45:9, 45:13, 54:5, 54:7, 54:21, 57:5  <b>MANISHA</b> [1] - 1:21  <b>Manisha</b> [1] - 4:8  <b>manner</b> [1] - 36:11  <b>manners</b> [1] - 41:23  <b>Manuel</b> [2] - 4:20, 31:15  <b>March</b> [1] - 40:23  <b>MARCUS</b> [1] - 1:5  <b>Marcus</b> [2] - 2:9, 38:21  <b>Marcus'</b> [1] - 41:9  <b>marijuana</b> [1] - 42:9  <b>Mark</b> [1] - 28:5  <b>marked</b> [1] - 14:8  <b>Martin</b> [4] - 24:18, 28:17, 29:8, 29:24</p>	<p><b>Martinez</b> [22] - 3:4, 5:4, 5:15, 7:18, 8:14, 9:7, 9:16, 16:2, 16:4, 16:20, 17:3, 30:25, 32:3, 32:11, 32:14, 34:7, 37:9, 37:23, 50:10, 50:17, 54:14, 57:25  <b>MARTINEZ</b> [35] - 1:14, 3:4, 3:8, 5:5, 5:17, 6:1, 6:6, 6:10, 7:19, 8:15, 8:17, 9:8, 9:17, 16:7, 17:7, 18:1, 18:4, 18:24, 19:4, 19:10, 20:11, 20:24, 21:19, 22:22, 27:5, 27:8, 27:18, 27:22, 28:24, 29:6, 30:18, 31:4, 54:15, 58:1, 58:5  <b>MARYLAND</b> [1] - 1:1  <b>Maryland</b> [4] - 1:9, 53:19, 53:21, 53:23  <b>mask</b> [6] - 2:23, 2:24, 3:14, 4:5, 4:13  <b>masks</b> [4] - 2:14, 2:16, 2:17, 2:19  <b>material</b> [1] - 31:18  <b>matter</b> [12] - 5:22, 9:13, 22:15, 23:2, 24:15, 26:6, 32:15, 42:25, 57:21, 57:25, 59:6  <b>Maurice</b> [1] - 24:10  <b>McPherson</b> [2] - 59:5, 59:10  <b>MD</b> [2] - 1:15, 1:18  <b>mean</b> [3] - 10:9, 19:5, 39:23  <b>meaning</b> [2] - 10:22, 35:20  <b>means</b> [8] - 7:15, 14:4, 21:19, 21:20, 33:2, 45:21, 51:25, 52:2</p>	<p><b>meant</b> [1] - 10:19  <b>medical</b> [2] - 40:12, 52:7  <b>medication</b> [3] - 12:11, 12:14, 12:23  <b>meet</b> [1] - 36:24  <b>meeting</b> [1] - 25:9  <b>meetings</b> [1] - 2:4  <b>member</b> [10] - 21:5, 21:16, 24:22, 25:4, 28:13, 29:11, 32:5, 37:3, 39:23, 56:15  <b>members</b> [12] - 14:6, 14:18, 20:3, 20:7, 21:5, 22:10, 23:14, 24:8, 24:14, 24:23, 25:5, 48:18  <b>memo</b> [4] - 17:8, 23:1, 23:10, 37:20  <b>memoranda</b> [1] - 31:23  <b>memorandum</b> [4] - 16:19, 17:4, 31:9, 31:21  <b>mental</b> [4] - 42:6, 52:12, 56:19, 58:16  <b>mention</b> [3] - 18:14, 20:19, 35:21  <b>mentioned</b> [1] - 44:12  <b>mentioning</b> [1] - 25:23  <b>merits</b> [1] - 36:10  <b>message</b> [1] - 28:21  <b>messages</b> [2] - 22:8, 22:23  <b>met</b> [2] - 37:25, 44:9  <b>metropolitan</b> [2] - 48:25, 49:21  <b>Michael</b> [2] - 4:20, 31:15  <b>middle</b> [1] - 46:24  <b>might</b> [3] - 26:22, 38:20, 42:20  <b>million</b> [1] - 38:17  <b>mind</b> [1] - 44:17  <b>minimum</b> [1] - 27:2  <b>minimums</b> [1] - 36:24</p>	<p><b>minute</b> [2] - 36:14, 58:17  <b>minutes</b> [3] - 5:24, 8:24, 16:1  <b>miraculously</b> [1] - 38:6  <b>misinformation</b> [1] - 32:13  <b>Mitchell</b> [5] - 23:3, 23:7, 23:10, 34:9, 34:19  <b>mom</b> [1] - 40:4  <b>moment</b> [2] - 6:20, 21:1  <b>money</b> [1] - 46:15  <b>month</b> [6] - 7:22, 22:15, 37:11, 50:23, 52:2  <b>month-and-a-half</b> [1] - 7:22  <b>months</b> [41] - 6:21, 6:25, 7:5, 8:25, 15:23, 17:6, 17:10, 17:20, 17:21, 17:22, 17:23, 24:13, 26:2, 26:4, 26:8, 26:10, 26:18, 26:21, 26:24, 27:4, 29:6, 30:3, 30:16, 30:19, 30:23, 47:3, 50:19, 50:20, 51:1, 51:2, 51:12, 51:18, 51:19, 51:20, 51:21, 51:24, 52:1  <b>morning</b> [8] - 3:7, 5:20, 6:2, 6:7, 19:2, 20:6, 24:9, 48:21  <b>Morris</b> [2] - 24:4, 24:17  <b>most</b> [3] - 18:6, 44:17, 47:12  <b>mother</b> [6] - 6:2, 6:4, 6:5, 6:6, 31:2, 31:14  <b>mothers</b> [2] - 14:11, 48:15  <b>mouth</b> [2] - 36:17, 36:19  <b>move</b> [1] - 55:10  <b>multistep</b> [1] - 11:19  <b>murder</b> [6] - 24:3, 24:6, 24:10, 28:12, 33:1,</p>	<p>33:5  <b>murdered</b> [1] - 20:12  <b>murdering</b> [2] - 21:2, 21:3  <b>murders</b> [8] - 20:7, 20:22, 20:24, 28:23, 29:5, 33:15, 45:4, 51:6  <b>must</b> [23] - 10:24, 54:7, 54:9, 54:11, 54:16, 54:22, 54:24, 55:4, 55:7, 55:9, 55:11, 55:13, 55:15, 55:16, 55:23, 55:25, 56:2, 56:4, 56:10, 56:14, 56:17, 56:21, 56:22</p> <p style="text-align: center;"><b>N</b></p> <p><b>name</b> [1] - 36:18  <b>named</b> [3] - 37:25, 38:4  <b>names</b> [4] - 14:10, 14:11, 16:23, 38:16  <b>narcotics</b> [3] - 5:12, 18:9, 19:8  <b>nature</b> [2] - 11:6, 46:14  <b>near</b> [1] - 20:17  <b>nearest</b> [1] - 53:12  <b>necessarily</b> [1] - 45:3  <b>necessary</b> [5] - 11:24, 47:2, 56:18, 56:20, 56:22  <b>need</b> [9] - 2:16, 4:12, 4:13, 21:22, 31:3, 43:18, 44:3, 47:8, 57:19  <b>negative</b> [1] - 12:20  <b>negotiated</b> [5] - 29:21, 30:7, 30:8, 30:11, 30:21  <b>neighborhood</b> [6] - 20:4, 21:7, 24:7, 25:9, 48:22, 49:5  <b>neighborhoods</b></p>
--	---	--	--	---	--

<p>[1] - 50:1  <b>network</b> [1] - 51:9  <b>never</b> [5] - 36:16, 40:17, 43:10, 45:24, 47:25  <b>New</b> [2] - 53:14  <b>newly</b> [3] - 24:22, 25:4, 29:11  <b>next</b> [5] - 14:21, 21:25, 43:12, 49:7  <b>nice</b> [3] - 3:6, 3:10, 3:21  <b>Nice</b> [2] - 3:11, 4:9  <b>night</b> [1] - 44:10  <b>nine</b> [1] - 17:10  <b>ninth</b> [2] - 2:11, 5:18  <b>NO</b> [1] - 1:4  <b>nobody</b> [1] - 46:10  <b>none</b> [1] - 36:8  <b>nonetheless</b> [2] - 32:18, 37:14  <b>nonfatal</b> [3] - 23:24, 24:19, 25:1  <b>normally</b> [1] - 12:23  <b>NORTHERN</b> [1] - 1:2  <b>note</b> [20] - 3:15, 5:21, 6:2, 7:13, 16:16, 26:6, 26:8, 31:18, 37:9, 40:10, 48:18, 48:19, 51:7, 51:15, 52:18, 53:3, 53:24, 57:13, 58:9, 58:16  <b>noted</b> [4] - 10:15, 11:17, 41:5, 50:8  <b>notes</b> [1] - 1:25  <b>nothing</b> [2] - 37:13, 46:15  <b>notice</b> [2] - 5:22, 36:17  <b>notify</b> [4] - 55:11, 55:24, 55:25, 57:19  <b>November</b> [2] - 20:13, 31:10  <b>number</b> [5] - 2:9, 16:19, 43:8, 47:3, 48:12  <b>Number</b> [2] - 31:10, 31:11</p>	<p><b>O</b>  <b>o'clock</b> [1] - 2:4  <b>objection</b> [3] - 5:3, 16:5, 16:9  <b>objections</b> [2] - 8:14, 8:19  <b>obscure</b> [1] - 32:16  <b>obtain</b> [1] - 55:16  <b>obviously</b> [6] - 23:7, 27:2, 29:20, 35:24, 39:10, 49:9  <b>occasion</b> [3] - 8:5, 39:14, 41:7  <b>occurred</b> [2] - 24:22, 37:10  <b>occurring</b> [1] - 40:2  <b>October</b> [7] - 7:14, 7:21, 17:19, 26:19, 30:3, 46:2, 51:25  <b>OF</b> [2] - 1:1, 1:3  <b>offender</b> [1] - 54:18  <b>offense</b> [14] - 8:23, 15:10, 15:13, 15:21, 25:14, 26:7, 26:9, 26:16, 26:19, 26:23, 27:1, 27:4, 39:18, 43:24  <b>offenses</b> [1] - 15:19  <b>offered</b> [1] - 34:20  <b>office</b> [3] - 14:2, 54:24, 55:2  <b>Officer</b> [1] - 4:8  <b>officer</b> [11] - 54:17, 55:6, 55:8, 55:10, 55:11, 55:13, 55:24, 55:25, 56:8, 56:11, 56:16  <b>OFFICER</b> [1] - 4:11  <b>Official</b> [1] - 59:10  <b>officials</b> [1] - 14:5  <b>often</b> [3] - 19:11, 33:2, 38:18  <b>oftentimes</b> [1] - 44:2  <b>old</b> [1] - 43:13  <b>older</b> [1] - 49:1  <b>olds</b> [1] - 49:22</p>	<p><b>once</b> [1] - 49:1  <b>one</b> [35] - 2:4, 2:10, 6:25, 7:22, 13:7, 14:17, 15:20, 15:21, 15:22, 20:10, 21:5, 23:12, 23:25, 24:11, 24:15, 24:17, 26:13, 29:10, 29:11, 32:18, 33:23, 33:24, 35:13, 38:1, 39:3, 40:16, 41:6, 42:25, 43:10, 43:12, 46:5, 50:6, 57:7, 58:3  <b>ones</b> [1] - 23:5  <b>open</b> [4] - 27:14, 27:23, 30:8, 30:12  <b>opinion</b> [1] - 10:5  <b>opinions</b> [3] - 9:25, 11:13, 11:15  <b>opportunity</b> [4] - 8:3, 12:4, 12:8, 47:17  <b>oppose</b> [1] - 43:6  <b>optional</b> [1] - 2:18  <b>order</b> [9] - 13:17, 14:13, 14:18, 26:5, 27:6, 36:24, 43:7, 52:9, 57:15  <b>ordered</b> [1] - 51:17  <b>orders</b> [1] - 2:13  <b>organization</b> [4] - 24:3, 24:9, 24:14, 48:8  <b>ostracized</b> [1] - 40:18  <b>ought</b> [5] - 17:8, 39:7, 39:11, 44:21, 45:18  <b>outline</b> [1] - 10:2  <b>outlined</b> [3] - 9:11, 34:8, 43:11  <b>outside</b> [1] - 11:3  <b>overall</b> [1] - 18:19  <b>overdose</b> [2] - 23:3, 34:10  <b>overhead</b> [1] - 14:2  <b>overwhelmed</b> [1] - 49:19  <b>owe</b> [1] - 58:17</p>	<p><b>Owens</b> [11] - 16:4, 16:13, 20:16, 22:17, 22:19, 23:21, 28:5, 28:17, 29:25, 30:5  <b>own</b> [5] - 25:13, 33:24, 47:17, 56:2, 57:20</p> <p><b>P</b>  <b>p.m</b> [3] - 2:1, 44:11, 58:25  <b>page</b> [3] - 14:25, 15:1, 15:2  <b>pages</b> [1] - 15:18  <b>pains</b> [1] - 49:9  <b>painted</b> [1] - 44:22  <b>paper</b> [1] - 16:19  <b>Paper</b> [2] - 31:9, 31:11  <b>papers</b> [1] - 35:5  <b>par</b> [1] - 17:2  <b>Paragraph</b> [4] - 9:2, 9:4, 9:11, 57:9  <b>paragraph</b> [2] - 14:25, 15:1  <b>paragraphs</b> [2] - 9:15, 12:11  <b>parcel</b> [1] - 17:2  <b>parents</b> [1] - 44:15  <b>park</b> [5] - 25:8, 25:11, 37:25, 38:2, 38:19  <b>PAROLE</b> [1] - 1:21  <b>part</b> [8] - 5:24, 14:9, 14:24, 16:5, 29:8, 29:16, 41:24, 49:7  <b>participate</b> [7] - 5:11, 42:12, 52:14, 54:19, 56:17, 56:19, 56:21  <b>participated</b> [1] - 29:19  <b>participating</b> [1] - 29:24  <b>participation</b> [1] - 45:17  <b>particular</b> [6] - 10:13, 32:18, 35:13, 36:13, 46:20, 53:9</p>	<p><b>particularly</b> [1] - 52:21  <b>parties</b> [2] - 3:1, 27:9  <b>partly</b> [1] - 40:17  <b>parts</b> [2] - 48:25, 49:21  <b>passed</b> [2] - 13:6, 40:23  <b>passive</b> [1] - 33:12  <b>past</b> [2] - 39:17, 49:6  <b>pay</b> [2] - 46:15, 57:4  <b>payment</b> [1] - 46:12  <b>PBJ</b> [1] - 46:14  <b>penalty</b> [1] - 50:5  <b>people</b> [18] - 2:20, 4:22, 32:20, 33:1, 35:13, 36:25, 38:12, 38:23, 39:18, 39:20, 48:8, 48:12, 48:22, 49:4, 49:5, 49:25, 58:17, 58:18  <b>per</b> [1] - 57:5  <b>perform</b> [1] - 32:7  <b>perhaps</b> [1] - 14:6  <b>period</b> [6] - 14:7, 22:7, 42:10, 51:18, 54:2, 54:3  <b>permanent</b> [1] - 16:14  <b>permission</b> [2] - 55:5, 56:16  <b>permitted</b> [1] - 14:17  <b>person</b> [10] - 22:19, 32:22, 33:9, 34:2, 40:1, 44:9, 44:17, 46:19, 56:9  <b>personal</b> [1] - 11:6  <b>personally</b> [1] - 47:15  <b>persons</b> [1] - 2:18  <b>perspective</b> [1] - 38:23  <b>persuaded</b> [1] - 44:2  <b>Peter</b> [1] - 3:4  <b>PETER</b> [1] - 1:14  <b>Philadelphia</b> [1] - 1:18</p>	<p><b>Philip</b> [2] - 4:21, 31:16  <b>phone</b> [1] - 32:19  <b>physical</b> [1] - 43:14  <b>physically</b> [1] - 51:5  <b>picked</b> [1] - 29:15  <b>pickup</b> [1] - 40:20  <b>pictures</b> [1] - 21:22  <b>Pinson</b> [21] - 17:22, 26:4, 26:24, 27:3, 29:4, 29:6, 29:7, 29:12, 29:13, 29:16, 29:23, 38:8, 45:1, 45:8, 45:16, 45:22, 50:16, 50:18, 50:20, 50:22, 50:24  <b>pipes</b> [1] - 22:5  <b>Pitman</b> [8] - 6:7, 21:12, 21:23, 31:6, 37:8, 37:11, 37:13, 37:16  <b>pitman's</b> [1] - 20:11  <b>Pitman's</b> [3] - 6:2, 6:4, 31:2  <b>Pittman</b> [1] - 21:3  <b>place</b> [5] - 39:2, 43:11, 44:25, 54:1, 55:9  <b>placed</b> [1] - 45:7  <b>places</b> [1] - 28:6  <b>Plaintiff</b> [2] - 1:3, 1:13  <b>plan</b> [1] - 22:9  <b>planning</b> [5] - 20:21, 22:25, 28:4, 28:25, 33:1  <b>plate</b> [2] - 29:14, 29:15  <b>played</b> [1] - 44:14  <b>playing</b> [1] - 22:17  <b>plea</b> [25] - 6:23, 7:1, 7:7, 9:2, 9:4, 9:14, 9:23, 10:8, 13:21, 15:7, 15:24, 18:8, 18:18, 19:13, 19:19, 20:1, 21:9, 21:13, 24:21, 25:5, 27:14,</p>
--	---	--	---	---	---

<p>27:23, 30:8, 48:4, 57:10</p> <p><b>plead</b> [1] - 18:14</p> <p><b>pleas</b> [2] - 26:14, 30:7</p> <p><b>pled</b> [5] - 2:11, 5:7, 5:10, 6:13, 15:9</p> <p><b>plenty</b> [1] - 43:2</p> <p><b>plot</b> [1] - 29:24</p> <p><b>plug</b> [1] - 27:12</p> <p><b>podium</b> [1] - 12:9</p> <p><b>point</b> [19] - 7:17, 9:6, 9:9, 11:19, 16:5, 16:9, 18:2, 19:11, 28:10, 30:24, 32:25, 33:2, 33:4, 35:18, 36:21, 39:12, 40:14, 57:24, 58:10</p> <p><b>policy</b> [3] - 2:17, 14:7, 48:4</p> <p><b>portion</b> [1] - 15:1</p> <p><b>portions</b> [1] - 50:3</p> <p><b>pose</b> [1] - 56:7</p> <p><b>position</b> [3] - 17:5, 17:8, 46:25</p> <p><b>possess</b> [2] - 54:9, 56:2</p> <p><b>possessed</b> [1] - 18:12</p> <p><b>possessing</b> [1] - 28:11</p> <p><b>possession</b> [1] - 15:12</p> <p><b>possibilities</b> [1] - 37:15</p> <p><b>possibly</b> [1] - 40:5</p> <p><b>postponed</b> [1] - 58:6</p> <p><b>posture</b> [3] - 4:15, 5:7, 12:9</p> <p><b>potentiality</b> [1] - 9:14</p> <p><b>potpourri</b> [1] - 43:6</p> <p><b>Powell</b> [1] - 58:4</p> <p><b>precision</b> [1] - 35:23</p> <p><b>prefer</b> [1] - 2:24</p> <p><b>preliminary</b> [1] - 9:12</p> <p><b>prepared</b> [2] - 8:4, 10:10</p> <p><b>preparing</b> [1] - 13:17</p> <p><b>preponderance</b></p>	<p>[3] - 23:20, 39:9, 51:4</p> <p><b>Present</b> [1] - 1:19</p> <p><b>presentence</b> [10] - 8:4, 10:10, 12:10, 13:22, 14:9, 14:14, 14:25, 40:3, 40:6, 40:7</p> <p><b>President</b> [1] - 14:20</p> <p><b>presiding</b> [1] - 2:15</p> <p><b>pressure</b> [1] - 12:11</p> <p><b>presumably</b> [1] - 57:21</p> <p><b>presume</b> [1] - 11:18</p> <p><b>pretty</b> [3] - 25:14, 42:19</p> <p><b>previously</b> [2] - 10:13, 11:9</p> <p><b>primarily</b> [3] - 18:16, 33:20</p> <p><b>primary</b> [3] - 27:10, 28:19</p> <p><b>principle</b> [2] - 23:21, 43:9</p> <p><b>prison</b> [5] - 7:5, 7:6, 30:17, 53:22, 57:7</p> <p><b>Prisons</b> [6] - 42:4, 43:1, 47:4, 51:18, 52:10, 53:9</p> <p><b>Private</b> [1] - 48:3</p> <p><b>private</b> [1] - 48:4</p> <p><b>PROBATION</b> [2] - 1:21, 4:11</p> <p><b>Probation</b> [1] - 4:8</p> <p><b>probation</b> [12] - 54:17, 54:24, 55:2, 55:6, 55:8, 55:9, 55:11, 55:13, 55:24, 56:8, 56:11, 56:16</p> <p><b>probations</b> [1] - 55:25</p> <p><b>probative</b> [1] - 23:15</p> <p><b>problem</b> [3] - 27:16, 27:19, 40:8</p> <p><b>problems</b> [1] - 42:1</p> <p><b>Procedure</b> [2] - 6:15, 57:16</p>	<p><b>procedures</b> [1] - 13:5</p> <p><b>proceed</b> [3] - 5:21, 8:2, 13:2</p> <p><b>proceeding</b> [1] - 48:4</p> <p><b>proceedings</b> [4] - 13:18, 20:5, 58:25, 59:6</p> <p><b>process</b> [3] - 9:20, 10:2, 11:19</p> <p><b>proffer</b> [1] - 50:15</p> <p><b>proffers</b> [1] - 34:24</p> <p><b>program</b> [9] - 42:7, 42:11, 42:13, 52:15, 52:16, 54:20, 56:18, 56:20, 56:22</p> <p><b>programs</b> [3] - 52:22, 53:5</p> <p><b>Project</b> [2] - 20:18, 22:11</p> <p><b>promoting</b> [1] - 43:24</p> <p><b>proper</b> [1] - 36:9</p> <p><b>properly</b> [1] - 36:22</p> <p><b>proportionate</b> [2] - 50:5, 52:4</p> <p><b>propose</b> [1] - 16:4</p> <p><b>propriety</b> [1] - 53:25</p> <p><b>prosecution</b> [1] - 36:22</p> <p><b>prosecutor</b> [3] - 35:18, 36:4, 36:13</p> <p><b>prosecutor's</b> [1] - 36:7</p> <p><b>Protect</b> [3] - 13:6, 13:7, 15:3</p> <p><b>provided</b> [3] - 2:13, 9:4, 15:23</p> <p><b>provides</b> [1] - 6:15</p> <p><b>provisions</b> [2] - 10:18, 13:7</p> <p><b>psychiatrically</b> [1] - 42:4</p> <p><b>psychopathic</b> [1] - 33:20</p> <p><b>public</b> [5] - 2:14, 2:18, 14:5, 14:6, 23:14</p> <p><b>pull</b> [5] - 2:23, 3:14, 4:5, 4:13</p> <p><b>pulled</b> [2] - 2:20,</p>	<p>28:25</p> <p><b>puller</b> [1] - 29:16</p> <p><b>punishment</b> [1] - 43:25</p> <p><b>purpose</b> [1] - 25:25</p> <p><b>purposes</b> [2] - 16:16, 25:3</p> <p><b>pursuant</b> [5] - 6:14, 11:20, 14:13, 18:8, 57:15</p> <p><b>put</b> [3] - 25:24, 32:18, 58:20</p> <p><b>putting</b> [1] - 32:17</p>	<p><b>Q</b></p> <p><b>qualified</b> [1] - 42:10</p> <p><b>quality</b> [3] - 32:9, 32:10, 45:20</p> <p><b>quantities</b> [1] - 36:23</p> <p><b>quantity</b> [2] - 15:11, 18:9</p> <p><b>queen</b> [1] - 37:18</p> <p><b>Queen</b> [2] - 37:18, 38:10</p> <p><b>questioned</b> [1] - 36:20</p> <p><b>questions</b> [1] - 55:7</p> <p><b>quite</b> [4] - 26:22, 31:19, 45:17, 45:19</p> <p><b>quote</b> [1] - 35:19</p>	<p>51:3, 57:13</p> <p><b>rape</b> [1] - 37:19</p> <p><b>rare</b> [1] - 39:15</p> <p><b>rather</b> [4] - 21:14, 32:10, 45:23, 50:11</p> <p><b>Rd</b> [1] - 1:18</p> <p><b>RDAP</b> [3] - 42:11, 42:14, 52:16</p> <p><b>RDB-19-0568</b> [2] - 1:4, 2:9</p> <p><b>read</b> [12] - 16:3, 16:18, 17:4, 31:9, 31:12, 31:13, 31:14, 33:25, 36:6, 40:3, 47:10, 55:16</p> <p><b>readers</b> [1] - 29:15</p> <p><b>reading</b> [1] - 43:4</p> <p><b>reads</b> [1] - 18:18</p> <p><b>ready</b> [1] - 8:1</p> <p><b>real</b> [1] - 46:22</p> <p><b>really</b> [8] - 19:2, 20:2, 24:3, 28:13, 38:24, 38:25, 42:24, 58:8</p> <p><b>rear</b> [1] - 22:11</p> <p><b>reared</b> [1] - 41:6</p> <p><b>reason</b> [5] - 19:10, 32:9, 33:21, 35:21, 49:17</p> <p><b>reasonable</b> [5] - 11:18, 18:17, 22:24, 39:9, 43:23</p> <p><b>reasons</b> [5] - 17:12, 28:9, 38:17, 53:24</p> <p><b>receive</b> [6] - 52:7, 52:12, 52:17, 52:21, 52:22, 55:3</p> <p><b>received</b> [16] - 4:19, 17:20, 17:21, 17:22, 26:2, 26:3, 26:4, 26:8, 26:24, 30:16, 50:19, 50:20, 51:1, 51:2</p> <p><b>recognize</b> [2] - 31:7, 39:8</p> <p><b>recommend</b> [14] - 40:11, 41:14, 42:6, 42:12, 43:1, 52:5, 52:7,</p>	<p>52:12, 52:14, 52:17, 52:20, 53:17, 53:19, 53:22</p> <p><b>recommendatio</b> <b>n</b> [3] - 53:7, 53:10, 53:11</p> <p><b>recommendatio</b> <b>ns</b> [1] - 56:10</p> <p><b>recommended</b> [2] - 53:13, 53:16</p> <p><b>record</b> [7] - 3:3, 5:24, 16:5, 19:1, 23:10, 34:22, 59:6</p> <p><b>recording</b> [1] - 37:9</p> <p><b>recruited</b> [3] - 24:22, 25:4, 29:11</p> <p><b>red</b> [1] - 53:21</p> <p><b>reference</b> [4] - 9:13, 19:20, 21:18, 52:10</p> <p><b>referenced</b> [4] - 10:8, 10:9, 25:5, 37:23</p> <p><b>referring</b> [1] - 18:6</p> <p><b>reflect</b> [1] - 15:18</p> <p><b>reflected</b> [1] - 48:12</p> <p><b>reflecting</b> [1] - 43:24</p> <p><b>reflects</b> [2] - 12:10, 57:20</p> <p><b>reformat</b> [1] - 10:19</p> <p><b>refrain</b> [1] - 54:11</p> <p><b>regard</b> [3] - 3:25, 41:10, 44:8</p> <p><b>regarding</b> [1] - 25:17</p> <p><b>registration</b> [1] - 54:18</p> <p><b>REGO</b> [3] - 1:20, 3:11, 3:13</p> <p><b>Rego</b> [2] - 3:9, 3:10</p> <p><b>relating</b> [1] - 27:25</p> <p><b>relative</b> [5] - 17:15, 30:22, 45:1, 45:7, 51:3</p> <p><b>relatively</b> [1] - 19:14</p> <p><b>release</b> [4] - 54:1, 54:3, 54:13, 55:1</p> <p><b>relevant</b> [2] -</p>
---	--	--	--	--	---	--

25:20, 27:22 <b>reliability</b> [1] - 35:3 <b>remain</b> [4] - 16:23, 17:1, 31:21, 31:24 <b>remained</b> [1] - 16:22 <b>remanded</b> [1] - 51:17 <b>remarks</b> [1] - 31:8 <b>remember</b> [1] - 58:19 <b>remorseful</b> [1] - 44:9 <b>rendered</b> [2] - 10:14, 10:20 <b>rendering</b> [1] - 43:22 <b>report</b> [11] - 8:4, 10:10, 12:10, 13:22, 14:9, 14:15, 14:25, 40:3, 40:7, 54:24, 55:3 <b>Reporter</b> [1] - 59:10 <b>reporting</b> [1] - 55:2 <b>represent</b> [2] - 57:17, 57:18 <b>representation</b> [1] - 47:13 <b>request</b> [1] - 53:9 <b>required</b> [2] - 13:5, 13:9 <b>requirements</b> [1] - 15:3 <b>requires</b> [1] - 13:13 <b>reside</b> [2] - 54:25, 55:5 <b>residence</b> [1] - 55:11 <b>resolved</b> [1] - 40:13 <b>respect</b> [13] - 6:1, 9:21, 12:6, 15:10, 17:3, 17:4, 30:15, 40:12, 43:24, 44:25, 50:25, 52:8, 53:8 <b>respected</b> [1] - 32:5 <b>responded</b> [1] - 21:23 <b>responsibility</b> [1] - 21:2 <b>responsible</b> [3] -	20:7, 23:20, 36:24 <b>rest</b> [1] - 37:5 <b>restitution</b> [1] - 54:14 <b>result</b> [5] - 18:16, 20:8, 20:12, 20:13, 40:24 <b>resulted</b> [1] - 23:24 <b>retaliation</b> [1] - 24:10 <b>retaliatory</b> [1] - 24:6 <b>returned</b> [1] - 19:25 <b>review</b> [5] - 8:3, 8:5, 11:1, 12:10, 14:5 <b>reviewed</b> [1] - 7:9 <b>rich</b> [1] - 28:3 <b>RICHARD</b> [1] - 1:11 <b>RICO</b> [1] - 25:3 <b>rights</b> [1] - 57:9 <b>risk</b> [1] - 56:7 <b>risks</b> [1] - 13:20 <b>road</b> [1] - 29:15 <b>robbed</b> [1] - 21:5 <b>rockin'</b> [1] - 21:21 <b>role</b> [2] - 27:10, 44:14 <b>roles</b> [1] - 2:20 <b>Rosedale</b> [1] - 1:18 <b>routine</b> [1] - 39:22 <b>routinely</b> [3] - 36:8, 39:21 <b>Royal</b> [1] - 37:18 <b>RPR</b> [2] - 59:5, 59:10 <b>rule</b> [2] - 6:14, 9:22 <b>Rule</b> [3] - 6:15, 35:2, 57:15 <b>Rules</b> [4] - 6:14, 34:23, 57:16 <b>Ruter</b> [19] - 3:17, 4:23, 8:5, 8:19, 13:1, 16:9, 23:7, 30:10, 30:21, 31:7, 31:10, 32:6, 34:22, 47:5, 47:7, 53:8, 53:18, 57:19, 58:11 <b>RUTER</b> [42] - 1:17, 3:17, 3:20, 3:23, 4:24, 8:21, 9:10, 13:3,	16:11, 31:22, 32:2, 32:8, 33:3, 33:7, 33:11, 33:16, 33:18, 34:2, 35:1, 35:5, 35:10, 39:22, 39:25, 40:13, 41:4, 41:13, 41:16, 42:8, 42:15, 42:18, 43:3, 45:8, 45:11, 45:15, 46:3, 46:5, 47:9, 47:11, 53:2, 53:12, 57:23, 58:12 <div style="text-align: center;"><b>S</b></div> <b>safer</b> [1] - 50:2 <b>salt</b> [1] - 34:19 <b>satisfaction</b> [1] - 40:14 <b>satisfied</b> [7] - 8:10, 13:1, 50:15, 50:22, 51:2, 51:4, 51:12 <b>saw</b> [5] - 3:6, 34:16, 42:18, 42:21, 43:8 <b>schedule</b> [1] - 42:20 <b>school</b> [3] - 40:21, 41:8 <b>score</b> [2] - 19:15, 29:7 <b>seal</b> [4] - 17:1, 31:18, 31:20, 31:23 <b>sealed</b> [5] - 14:16, 15:1, 16:22, 16:23 <b>sealing</b> [1] - 29:21 <b>seasoning</b> [1] - 23:1 <b>seated</b> [3] - 2:7, 5:25, 16:1 <b>second</b> [3] - 11:15, 29:19, 53:1 <b>secondarily</b> [1] - 56:17 <b>seconds</b> [1] - 38:6 <b>section</b> [3] - 14:8, 14:13, 14:14 <b>sections</b> [2] - 10:13, 10:16 <b>secured</b> [1] -	43:10 <b>see</b> [21] - 3:6, 3:10, 3:11, 3:21, 4:9, 14:19, 19:25, 20:1, 21:9, 22:1, 26:16, 30:6, 35:15, 38:11, 41:8, 44:18, 46:18, 46:20, 47:25, 53:21, 57:1 <b>seeing</b> [2] - 22:2, 22:3 <b>sees</b> [1] - 52:10 <b>segue</b> [1] - 25:20 <b>seldom</b> [4] - 32:19, 32:22, 32:24, 33:1 <b>selling</b> [2] - 21:6, 37:2 <b>sending</b> [1] - 21:23 <b>sense</b> [4] - 26:22, 30:19, 30:24, 53:15 <b>sent</b> [1] - 24:25 <b>sentence</b> [36] - 6:16, 6:17, 6:18, 6:25, 7:5, 7:12, 7:23, 9:5, 9:24, 10:18, 10:25, 11:11, 11:23, 13:14, 13:20, 17:5, 17:9, 17:20, 17:21, 17:22, 17:23, 25:19, 27:4, 30:3, 30:23, 43:23, 45:11, 45:14, 47:1, 50:23, 51:12, 51:13, 52:2, 52:4, 53:25, 57:12 <b>sentenced</b> [14] - 2:12, 5:19, 5:20, 7:11, 15:25, 17:19, 19:16, 24:16, 25:13, 26:13, 26:19, 28:2, 58:3 <b>sentences</b> [3] - 11:8, 11:10, 13:8 <b>SENTENCING</b> [1] - 1:10 <b>sentencing</b> [29] - 6:19, 9:21, 10:2, 10:7, 10:9,	11:25, 13:2, 16:16, 16:19, 17:4, 17:8, 18:21, 19:2, 20:6, 23:10, 25:25, 26:15, 27:9, 28:14, 28:20, 31:9, 31:21, 31:23, 34:25, 39:13, 48:4, 48:21, 51:11, 58:6 <b>Sentencing</b> [9] - 10:12, 10:17, 10:20, 13:10, 13:15, 13:23, 13:24, 14:3, 14:19 <b>seriousness</b> [2] - 39:17, 43:24 <b>served</b> [4] - 7:15, 51:23, 51:24, 52:1 <b>service</b> [1] - 3:24 <b>set</b> [2] - 23:25, 38:3 <b>seven</b> [1] - 51:21 <b>several</b> [2] - 4:17, 35:23 <b>sex</b> [2] - 25:14, 54:18 <b>shall</b> [1] - 57:2 <b>shoot</b> [4] - 29:8, 29:24, 38:12, 49:5 <b>shooters</b> [3] - 23:5, 29:12, 29:14 <b>shooting</b> [22] - 20:25, 23:21, 23:24, 24:25, 25:1, 25:6, 25:10, 28:4, 28:5, 28:17, 29:13, 29:17, 29:19, 29:25, 30:4, 35:14, 35:16, 37:23, 38:15, 39:2, 40:20 <b>shootings</b> [1] - 20:7 <b>shopping</b> [1] - 52:24 <b>short</b> [2] - 32:16, 56:10 <b>shot</b> [15] - 16:13, 20:14, 20:17, 22:17, 24:11, 24:19, 24:24,	35:17, 35:19, 36:4, 37:11, 39:2, 39:20, 44:23 <b>shots</b> [4] - 22:2, 22:3, 22:5, 35:15 <b>show</b> [3] - 23:17, 39:1, 48:1 <b>showed</b> [1] - 38:25 <b>shown</b> [1] - 32:21 <b>shows</b> [1] - 38:7 <b>Shyheim</b> [4] - 20:12, 21:12, 21:23, 22:9 <b>side</b> [2] - 5:25, 25:25 <b>sides</b> [1] - 11:3 <b>sidewalk</b> [1] - 49:3 <b>significant</b> [3] - 37:4, 43:14, 45:23 <b>silver</b> [1] - 44:22 <b>similarly</b> [1] - 11:9 <b>sit</b> [1] - 47:13 <b>situated</b> [1] - 11:9 <b>six</b> [3] - 6:21, 7:6, 15:21 <b>six-and-a-half</b> [2] - 6:21, 7:6 <b>skip</b> [1] - 39:17 <b>slightly</b> [4] - 17:11, 50:21, 51:21, 52:2 <b>smart</b> [1] - 41:16 <b>someone</b> [4] - 33:5, 38:11, 49:3, 49:8 <b>sometimes</b> [6] - 32:16, 38:24, 38:25, 39:1, 43:5, 48:10 <b>somewhat</b> [1] - 40:18 <b>son</b> [1] - 20:11 <b>sons</b> [1] - 33:24 <b>sorrowful</b> [1] - 44:15 <b>sorry</b> [1] - 2:3 <b>sort</b> [1] - 39:6 <b>source</b> [1] - 56:5 <b>sources</b> [1] - 21:4 <b>South</b> [1] - 1:15 <b>south</b> [1] - 25:8 <b>spatial</b> [1] - 37:14 <b>speaking</b> [4] - 2:20, 4:6, 39:14,
--	---	---	--	--	--



<p>51:6  <b>Special</b> [1] - 3:8  <b>special</b> [1] - 57:5  <b>SPECIAL</b> [2] - 3:11, 3:13  <b>specific</b> [3] - 6:14, 6:16, 56:12  <b>specifically</b> [9] - 6:20, 10:15, 10:22, 11:17, 13:12, 34:24, 45:3, 52:18, 54:5  <b>specifics</b> [1] - 36:1  <b>Spell</b> [3] - 4:20, 31:13, 41:20  <b>spell</b> [1] - 43:15  <b>spend</b> [1] - 46:19  <b>spent</b> [1] - 45:24  <b>spin</b> [3] - 32:18, 34:15  <b>spoon</b> [1] - 44:22  <b>sports</b> [1] - 40:17  <b>spring</b> [1] - 21:10  <b>stable</b> [1] - 51:7  <b>stage</b> [1] - 23:25  <b>stand</b> [3] - 30:14, 47:6, 47:15  <b>standard</b> [4] - 35:8, 39:8, 54:6, 54:21  <b>standing</b> [1] - 2:13  <b>stands</b> [2] - 3:18, 58:24  <b>start</b> [5] - 7:23, 17:12, 18:15, 19:11, 27:6  <b>started</b> [4] - 11:16, 18:9, 18:10, 25:23  <b>starting</b> [3] - 11:19, 18:4, 43:19  <b>starts</b> [1] - 30:11  <b>state</b> [4] - 10:3, 13:11, 49:18, 54:8  <b>statement</b> [9] - 5:23, 13:20, 16:4, 16:13, 20:17, 22:21, 34:11, 47:16, 47:18  <b>statements</b> [3] - 12:6, 32:11, 39:5  <b>STATES</b> [2] - 1:1, 1:3</p>	<p><b>States</b> [16] - 1:14, 2:8, 5:12, 5:14, 9:25, 10:5, 10:6, 10:11, 10:23, 11:14, 11:15, 13:12, 13:14, 14:20, 50:7  <b>station</b> [1] - 24:4  <b>status</b> [1] - 2:25  <b>stayed</b> [2] - 6:7, 43:15  <b>stenographic</b> [1] - 59:6  <b>stenotype</b> [1] - 1:25  <b>step</b> [1] - 15:5  <b>stepfather</b> [3] - 40:23, 41:7  <b>still</b> [3] - 10:24, 52:3, 57:13  <b>stipulated</b> [2] - 22:25, 30:19  <b>stipulation</b> [2] - 18:18, 27:24  <b>stop</b> [1] - 25:4  <b>stopped</b> [1] - 46:12  <b>straight</b> [1] - 53:20  <b>strap</b> [1] - 22:5  <b>Street</b> [1] - 1:15  <b>street</b> [5] - 21:20, 22:2, 39:18, 49:11, 49:13  <b>streets</b> [1] - 40:19  <b>stricken</b> [1] - 10:18  <b>strong</b> [1] - 48:11  <b>studies</b> [1] - 41:9  <b>subject</b> [2] - 10:25, 14:5  <b>submission</b> [3] - 40:4, 40:7, 43:11  <b>submissions</b> [1] - 42:19  <b>submit</b> [4] - 13:9, 28:10, 54:12, 56:22  <b>submitted</b> [3] - 8:25, 20:16, 31:20  <b>substance</b> [4] - 54:10, 54:12, 56:21, 56:23  <b>sufficient</b> [3] - 8:11, 11:24, 47:1  <b>sufficiently</b> [1] - 51:13</p>	<p><b>suggest</b> [2] - 32:8, 43:25  <b>suggesting</b> [2] - 32:13, 45:18  <b>summer</b> [1] - 34:10  <b>supervised</b> [2] - 54:1, 54:3  <b>supervision</b> [1] - 54:6  <b>supplement</b> [1] - 31:11  <b>supplier</b> [2] - 27:12, 27:21  <b>supplying</b> [2] - 27:20, 28:22  <b>support</b> [2] - 40:22, 51:9  <b>supportive</b> [1] - 41:2  <b>Supreme</b> [9] - 10:1, 10:5, 10:6, 10:10, 10:15, 10:23, 11:4, 11:14, 11:17  <b>surprised</b> [2] - 19:2, 32:6  <b>surprises</b> [1] - 7:12  <b>Swahili</b> [1] - 21:19  <b>system</b> [1] - 49:18</p>	<p>51:20  <b>terms</b> [23] - 5:24, 9:23, 11:11, 15:24, 26:22, 28:7, 29:21, 30:14, 35:3, 35:6, 36:18, 39:11, 39:16, 41:5, 42:21, 43:22, 44:20, 45:7, 50:5, 50:14, 50:24, 51:13, 53:25  <b>Terrace</b> [2] - 20:18, 22:11  <b>test</b> [1] - 54:12  <b>testified</b> [6] - 25:7, 25:15, 28:12, 34:12, 34:20, 37:24  <b>testifies</b> [1] - 39:3  <b>testimony</b> [9] - 16:22, 17:2, 23:4, 23:9, 23:15, 34:9, 34:24, 35:11, 35:22  <b>testing</b> [1] - 56:23  <b>text</b> [2] - 21:14, 28:20  <b>THE</b> [118] - 1:1, 1:1, 1:11, 2:3, 3:6, 3:10, 3:12, 3:14, 3:19, 3:21, 3:24, 4:2, 4:3, 4:4, 4:5, 4:12, 4:25, 5:6, 5:18, 6:4, 6:8, 6:11, 7:3, 7:4, 7:8, 7:9, 7:20, 7:25, 8:1, 8:6, 8:7, 8:9, 8:10, 8:12, 8:13, 8:16, 8:18, 8:22, 9:9, 9:11, 9:19, 12:13, 12:14, 12:15, 12:16, 12:18, 12:19, 12:22, 12:23, 12:25, 13:1, 13:4, 14:23, 14:24, 16:9, 16:12, 17:17, 18:3, 18:23, 19:1, 19:5, 20:9, 20:22, 21:18, 22:19, 26:1, 27:7, 27:16, 27:21, 28:23, 29:4, 30:16,</p>	<p>30:25, 31:5, 31:24, 32:5, 32:24, 33:4, 33:10, 33:14, 33:17, 34:1, 34:22, 35:2, 35:7, 39:21, 39:23, 40:10, 41:1, 41:11, 41:14, 42:6, 42:12, 42:17, 42:21, 44:24, 45:10, 45:13, 46:1, 46:4, 47:5, 47:10, 47:14, 47:19, 47:20, 47:21, 48:7, 49:15, 49:16, 53:3, 53:13, 54:16, 57:24, 58:2, 58:8, 58:13, 58:22, 58:24  <b>theft</b> [3] - 23:11, 46:6  <b>themselves</b> [1] - 3:2  <b>therefore</b> [1] - 46:25  <b>thereof</b> [1] - 35:4  <b>they've</b> [2] - 2:21, 42:2  <b>thick</b> [1] - 22:25  <b>third</b> [1] - 56:19  <b>thorough</b> [2] - 50:17, 50:18  <b>threats</b> [1] - 18:13  <b>three</b> [7] - 11:16, 23:23, 29:10, 34:18, 40:16, 43:13, 54:2  <b>threshold</b> [1] - 58:2  <b>throughout</b> [3] - 13:12, 19:12, 20:1  <b>Title</b> [1] - 51:16  <b>today</b> [13] - 4:22, 6:12, 12:9, 12:14, 12:20, 12:21, 13:2, 17:19, 23:7, 41:3, 47:22, 57:8, 58:19  <b>today's</b> [2] - 16:16, 25:25  <b>together</b> [2] - 41:7, 44:10  <b>token</b> [1] - 7:4  <b>took</b> [2] - 12:16,</p>	<p>26:14  <b>top</b> [2] - 26:11, 30:19  <b>total</b> [10] - 8:23, 15:21, 26:7, 26:9, 26:16, 26:19, 27:1, 27:3, 51:19, 54:3  <b>totally</b> [1] - 49:19  <b>touch</b> [1] - 17:12  <b>touched</b> [1] - 21:7  <b>trained</b> [1] - 55:20  <b>training</b> [5] - 42:22, 52:18, 52:19, 52:23  <b>transcript</b> [1] - 59:6  <b>transcription</b> [1] - 1:25  <b>transcripts</b> [3] - 16:18, 16:21, 36:7  <b>transferred</b> [1] - 4:16  <b>tray</b> [1] - 19:23  <b>Tray</b> [2] - 21:16, 21:18  <b>Trayvon</b> [5] - 21:15, 22:8, 25:1, 28:21, 34:3  <b>treated</b> [2] - 33:23, 42:5  <b>treatment</b> [6] - 42:7, 42:13, 52:13, 52:15, 56:20, 56:22  <b>trespass</b> [1] - 15:18  <b>trial</b> [5] - 23:2, 28:13, 29:9, 32:21, 36:9  <b>tried</b> [3] - 38:3, 46:13  <b>trigger</b> [2] - 28:25, 29:16  <b>trigger-puller</b> [1] - 29:16  <b>trouble</b> [1] - 32:23  <b>true</b> [8] - 6:2, 10:3, 13:11, 28:19, 33:3, 37:5, 38:13, 39:20  <b>True</b> [1] - 38:8  <b>trust</b> [1] - 18:21  <b>truth</b> [2] - 32:13, 48:23  <b>truthfully</b> [1] -</p>
--	--	--	---	---	--

55:7 <b>try</b> [3] - 35:23, 40:14, 55:10 <b>trying</b> [8] - 32:15, 36:10, 36:22, 44:20, 44:24, 45:16, 49:5, 49:20 <b>turf</b> [1] - 19:6 <b>turn</b> [1] - 58:15 <b>turned</b> [2] - 48:13, 48:14 <b>two</b> [18] - 7:21, 9:25, 10:12, 10:16, 11:13, 15:11, 15:13, 15:15, 15:18, 16:21, 17:1, 20:9, 20:14, 20:15, 33:14, 40:16, 53:21, 58:4 <b>two-level</b> [1] - 15:15 <b>typo</b> [1] - 26:21	9:25, 10:4, 10:5, 10:6, 10:11, 10:23, 11:13, 11:15, 13:12, 13:13, 14:20, 50:6 <b>universe</b> [1] - 27:24 <b>unlawful</b> [1] - 54:11 <b>unlawfully</b> [1] - 54:9 <b>unless</b> [2] - 14:21, 43:10 <b>unreasonablene ss</b> [1] - 11:1 <b>unusual</b> [1] - 48:16 <b>up</b> [12] - 2:24, 24:11, 29:15, 38:3, 38:7, 38:25, 39:1, 40:4, 40:16, 47:20, 49:13, 58:14 <b>upheld</b> [2] - 10:7, 10:11 <b>upward</b> [5] - 15:11, 15:13, 18:11, 18:12	<b>violation</b> [2] - 5:11, 5:14 <b>violence</b> [22] - 18:13, 18:25, 19:23, 20:19, 20:21, 21:8, 23:14, 23:18, 24:7, 24:9, 25:17, 27:25, 29:1, 30:9, 34:5, 34:7, 37:7, 39:13, 40:2, 49:21, 53:25, 54:20 <b>violent</b> [6] - 15:14, 19:17, 20:2, 48:8, 48:20, 49:7 <b>visit</b> [1] - 55:13 <b>vocational</b> [4] - 42:22, 52:17, 52:22, 56:17 <b>voice</b> [1] - 47:20 <b>vs</b> [1] - 1:4	29:8, 45:18 <b>Weavers</b> [2] - 24:15 <b>Wednesday</b> [1] - 1:8 <b>Wednesdays</b> [1] - 2:5 <b>week</b> [3] - 16:20, 49:6, 49:7 <b>weeks</b> [1] - 58:4 <b>weight</b> [1] - 23:8 <b>welcome</b> [3] - 4:25, 6:9, 6:11 <b>western</b> [1] - 53:20 <b>whatsoever</b> [1] - 37:12 <b>whole</b> [4] - 28:6, 38:5, 40:15, 49:24 <b>wide</b> [1] - 27:24 <b>William</b> [1] - 31:15 <b>WILLIAMS</b> [1] - 1:5 <b>Williams</b> [62] - 2:9, 3:18, 4:1, 4:21, 5:7, 6:13, 9:21, 13:5, 14:4, 17:9, 17:25, 18:8, 18:14, 19:18, 20:20, 21:9, 21:10, 21:13, 21:22, 22:5, 22:8, 22:11, 22:24, 23:4, 23:19, 24:21, 25:7, 25:16, 25:25, 28:1, 28:6, 29:1, 29:20, 29:22, 30:5, 30:10, 30:19, 31:8, 32:20, 33:11, 33:23, 37:1, 37:12, 37:22, 38:1, 38:6, 38:7, 38:16, 38:21, 40:24, 41:6, 45:19, 45:21, 46:11, 47:15, 48:7, 53:15, 58:13, 58:16, 58:18, 58:19 <b>Williams'</b> [6] - 18:18, 20:1, 22:4, 23:12, 30:2, 39:16 <b>window</b> [1] - 23:13	<b>wish</b> [4] - 44:6, 44:7, 47:16, 58:13 <b>withdraw</b> [2] - 7:1, 7:7 <b>witness</b> [9] - 23:4, 25:6, 25:12, 28:12, 36:9, 37:20, 37:21, 39:3 <b>witnesses</b> [5] - 12:5, 16:21, 16:24, 21:4, 47:7 <b>woman</b> [1] - 49:1 <b>wonder</b> [1] - 39:3 <b>wonderful</b> [1] - 40:22 <b>word</b> [2] - 32:24, 33:1 <b>words</b> [1] - 36:3 <b>works</b> [1] - 44:5 <b>worn</b> [2] - 2:14, 2:16 <b>worry</b> [1] - 58:22 <b>worse</b> [1] - 49:24 <b>worthy</b> [1] - 39:12 <b>wounded</b> [1] - 24:12 <b>write</b> [1] - 57:7 <b>written</b> [2] - 12:7, 41:2 <b>wrote</b> [2] - 22:19, 46:11	<b>youngest</b> [1] - 31:14	
<b>Z</b>						
<b>zone</b> [2] - 49:1, 50:1						
<b>§</b>						
<b>§</b> [4] - 5:12, 5:14, 47:3, 50:7						